

The Congressional Digest

Volume VI

JANUARY, 1927

Number 1

Special Feature This Month:

The St. Lawrence Project vs. The New York Route For Proposed Shipway from Great Lakes to Atlantic

Importance of Developing Our Water Resources
Efforts to Promote Great Lakes Shipway
The Chicago Water Diversion Problem

Official Agencies Dealing With Proposed Shipway
Map Showing Proposed Shipway Routes
Estimates of Requirements for Proposed Routes

The St. Lawrence Shipway vs. The New York Route—Pro and Con Arguments

PRESIDENT COOLIDGE: "Engineering studies are being made for connecting the Great Lakes with the North Atlantic, either through an all-American canal or by way of the St. Lawrence River. It is unnecessary to dwell upon the great importance of such a waterway not only to our mid-continental basin but to the commerce and development of practically the whole Nation. Our river and harbor improvement should be continued in accordance with the present policy. Expenditure of this character is compatible with economy; it is in the nature of capital investment. Work should proceed on the basic trunk lines if this work is to be a success. If the country will be content to be moderate and patient and permit improvements to be made where they will do the greatest general good, rather than insisting on expenditures at this time on secondary projects, our internal waterways can be made a success. If proposed legislation results in a gross manifestation of local jealousies and selfishness, this program can not be carried out. Ultimately we can take care of extensions, but our first effort should be confined to the main arteries.

"Our inland commerce has been put to great inconvenience and expense by reason of the lowering of the water level of the Great Lakes. This is an international problem on which competent engineers are making reports. Out of their study it is expected that a feasible method will be developed for raising the level to provide relief for our commerce and supply water for drainage. Whenever a practical plan is presented it ought to be speedily adopted."—Annual Message to Congress, Dec. 6, 1926.

The Importance of Developing Our Water Resources

By Hon. Herbert C. Hoover, Secretary U. S. Department of Commerce

THE TIME HAS COME when we must take an enlarged vision of our water resources. We have arrived at a new era in this development. We have need that we formulate a new and broad national program for the full utilization of our rivers and our lakes.

Water is today our greatest undeveloped resource. Our streams and rivers offer us a possible total of 55,000,000 horsepower and of this less than 11,000,000 has been developed. Of our 25,000 miles of possible inland waterways probably less than 7,000 are really modernized, and the utility of much of these 7,000 miles is minimized by their isolation into segments of what should be connected transportation systems.

Almost unnoticed, the progress of science and engineering has revolutionized the possibilities of our water resources. Inventions in construction methods and tools enable us to economically deepen channels and safely construct great dams. These advances, together with improvements in water craft, enable us to transform the local packet boat into transportation systems for great trains of barges and ocean-going vessels. The discoveries in transmission of electricity now enable distant water-

power to be brought to a market as a vital contribution to the cost of developments for other purposes. We have emerged from the long postponement of national construction imposed by the War and reconstruction; we have recovered so greatly in national wealth that we now have the capital to compass such projects as our expanding needs require.

True conservation is to get our water at work. There are imperative reasons for it. Before expiration of the years required for major construction, we shall need more food supplies than our present lands will afford. Today there are many economic distortions in agriculture and industry due to the necessary increases in freight rates from the war, which can be greatly cured by conversion of our inland waterways into real connected transportation systems. It is demonstrated by actual rates current today that we can carry 1,000 bushels of wheat one thousand miles upon lake and ocean steamers for \$20 to \$30, on modern barges for \$60 to \$70 as against \$150 to \$200 by rail. There will be urgent demand for more and more hydro-electric power as the sure base of our great interconnected power systems. Our population will increase

*The report of the Army Engineers on the proposed New York Seaway was submitted to Congress on Dec. 6, 1926, and the report of the Joint Board of Engineers for Canada and the U. S. was submitted on Dec. 27, 1926.

by forty millions in the next quarter of a century. If we are to preserve the standards of living and increase the comfort of this enlarged national family, we must place in use every resource we possess.

In the great basin of the Mississippi there lies the possibility of a development of the most fundamental economic importance—primarily navigation but also embracing many factors of flood-control, reclamation and power. We have here a drainage upon which for moderate cost we can provide a modern transportation system of nine thousand miles of connected waterways, serving twenty states, furnishing a complete north and south trunk line across the nation through the lakes from Duluth through Chicago to the Gulf of Mexico, and an east and west system from Pittsburgh to Kansas City. Added to this are the great channels of the Upper Mississippi, the Upper Missouri, the Cumberland, the Tennessee, the Arkansas, and other streams. It has become of vital importance to the states which would be served that this system should be deepened and at once. The necessary rise in railway rates, due to the War, has erected a series of toll gates around these states by which it costs more to export and more to import all their commodities while many of their chief competitive countries enjoy pre-war rates. It has retarded their economic life, and contributed to the difficulties of their agriculture and industry. By experience on the St. Louis to New Orleans segment of the Mississippi it has already been proved that the modernized water-borne service can successfully reduce the costs of transportation on bulk commodities to pre-war rates.

The modernizing of this entire system can apparently be accomplished for an investment of under 125 millions of dollars. The nation has dillydallied upon it for years, and today even the work which has been well done lies in disconnected segments which are as much the negation of a real transportation system as the New York Central would be if it were made of alternate narrow and broad-gauge tracks. Moreover, this system not only requires attention to direct improvement of navigation channels; it urgently requires a determination of plans to create headwater storage in some of its tributaries with a view to the control of floods, thus saving vast wastes of destruction and providing for an increase of low water flow not only as a contribution to summer navigation, but also for its direct returns in reclamation of land and power.

The Great Lakes today are the greatest inland transportation system in the world, but at the present time the

outward traffic to the sea has to pass through bottlenecks of 11 and 12-foot canals. We know from an engineering point of view that it is entirely feasible to make every lake port an ocean port by deepening these canals to 25 or 30-foot shipways. We know that such an improvement will decrease the costs of the exports of grain from 7 to 8 cents a bushel. We know that this decreased charge will lower the cost to the farmer of reaching his foreign market and will be an addition to the farmer's profit. It will make possible the introduction of manufacturers' raw materials to the interior on a cheaper basis. This three thousand miles of inland waterways will serve some 18 states. We know it will tend to upbuild industry in the heart of agriculture to the mutual benefit of both and to the better distribution of our population. Involved in this Lakes-to-the-Sea improvement is the possibility of developing some four millions of horsepower for our eastern states and Canada.

We have in the Great Lakes another major problem in the restoration of the levels of these lakes from the shrinkage of the last seven years in order that we may restore to them their full possibilities of waterway transportation. There is also in this whole lakes problem sharp conflict over special and state interests; it involves complex international questions and difficult questions of states' rights but its solution can be found in a broad program of engineering construction.

An increase by the Federal Government beginning at \$25,000,000 and rising to \$100,000,000 a year together with the collateral expenditure of states, local communities and the hydro-electric companies would complete many of our most pressing projects in the next ten years. Much of this expenditure would be directly recovered from land and from leases of by-product power. It is all of it a capital outlay not a disappearing expense.

We have been blessed by Providence with resources in water greater than any nation in the world. Through the advance of engineering science their possibilities have become a reality, not a dream. These resources are so situated that their use will bring rich harvest in wealth and happiness to all of our people. The foundations of agriculture and industry can be strengthened and our population better distributed. We have recovered from the devastating losses of the War a period of economic strength which enables us to undertake them without national burden. We shall be negligent of our duty if we fail in their development.—*Extracts, see 9, p. 35.*

Efforts to Promote a Shipway from Great Lakes to Atlantic

Chronology of Official Steps Taken to Date

First Report Authorized by Congress

1836—As early as 1836 Congress had authorized an examination and survey of five canal routes, 10 feet deep with locks 50 by 20 feet from Lake Erie to Lake Ontario as the first step in connecting the Great Lakes with the sea. The survey estimated the cost of a canal to average \$2,568,899 for a canal with single locks from Schlossers to Lewiston to a cost of \$5,041,725 for a canal with part single and part double locks from Tonawanda to Olcott. (Exec. Doc., No. 214, 24th Cong., 1st sess.)

1837—The House Committee on Roads and Canals submitted a report showing the military and commercial

needs of the work surveyed above. (24th Cong., 2d sess., H. Doc. No. 201.)

1842—By Art. VII of the Webster-Ashburton Treaty with Great Britain in 1842, it was agreed that the channels in the St. Lawrence river on both sides of the Long Sault Islands and of Barnhart Island, etc., "shall be equally free and open to the ships, vessels, and boats of both the United States and Canada."

1854—By Art. IV of the reciprocity treaty of 1854 the right to navigate both the St. Lawrence below the point where it ceases to be the boundary and the canals in

467th Cong., 2d sess., S. Doc. No. 114, p. 166.

Canada used as part of the water communication between the Great Lakes and the Atlantic was temporarily secured to the United States. That right lapsed with the treaty."

1864—Another survey was made similar to the work of 1836. It was a war time report on proposed improvements to pass gunboats from tidewater to the Lakes. The estimated cost of the shortest line—6.58 miles from Schlossers to Lewiston—was \$6,007,011 for single locks and \$7,680,555 for double locks. (38th Cong., 1st sess., H. Doc. No. 61.)

1868—A survey was made of six canal routes from Lake Erie to Lake Ontario. The estimated cost for each line ranged from eleven to fourteen million dollars. (40th Cong., 2d sess., H. Exec. Doc. No. 197.)

Right to Navigate the St. Lawrence

1871—By Art. XXVI of the treaty of Washington, 1871—"navigation of the River St. Lawrence ascending and descending from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purpose of commerce to citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privilege of free navigation."

"By Art. XXVII of the same treaty, the British Government engaged to urge upon the Dominion Government to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion, on terms of equality with the inhabitants of the Dominion."

"No formal action was ever taken by Canada in this connection, but it appears that from 1854, notwithstanding the abrogation of the reciprocity treaty, United States vessels continued to enjoy the use of all Canadian canals on terms of equality with the vessels of Canada."

1875—A report was made showing estimated cost of enlarging the Erie Canal to pass boats of 690 tons burden to be \$8,173,597; the Oswego-Mohawk route canal to pass barges of 640 tons was estimated at \$25,213,857. The proposed Champlain route was from Caughnawaga on the St. Lawrence by a land line to St. Johns on the Richelieu River, to Lake Champlain, thence by Woods Creek and a land line to the Hudson at Fort Edward, down the Hudson to Troy, and then by a marginal canal to Albany. The canals on this route were to be 100 feet wide on the bottom, 150 feet wide on the water surface, and 13 feet deep, designed to pass steamers having a capacity of 1,500 tons. The estimated cost was \$14,115,893.08 for the section from Lake Champlain to Albany. It was assumed that the northern portion of the route would be built and paid for by the Canadians. Ann'l Rep't, Chief of Engineers, 1875, part 2, p. 534.)

1889—A report was submitted revising data of 1868. The estimated costs for the canals ranged from 23 to 29 million dollars. (Ann'l Rep't, Chief of Engineers, 1889, p. 2434.)

Resolution by House Committee

1892—The House Committee on Interstate and Foreign Commerce reported a joint resolution authorizing a survey for a waterway connecting the Great Lakes with the Atlantic.

Establishment of U. S. Deep Waterways Commission

1895—Pursuant to the sundry civil act of March 2, 1895, the President appointed a commission composed of Messrs. James B. Angell, John E. Russel, and Lyman E. Cooley. The item of law authorizing this commission was:

"Resolved, etc., That the President of the United States is authorized to appoint immediately after the passage of this joint resolution three persons, who shall have power to meet and confer with any similar committee which may be appointed by the Government of Great Britain or the Dominion of Canada, and who shall make inquiry and report whether it is feasible to build canals as shall enable vessels engaged in ocean commerce to pass to and fro between the Great Lakes and the Atlantic Ocean, with an adequate and controllable supply of water for continual use, where such canals can be most conveniently located, and the probable cost of the same, with estimates in detail; and if any part of the same shall be built in the territory of Canada, what regulations or treaty arrangements will be necessary between the United States and Great Britain to preserve the free use of such canals to the people of this country at all times; and all necessary facts and considerations relating to the construction and use of deep-water channels between the Great Lakes and the Atlantic Ocean."

1896—A report was made on enlarging the Erie Canal to permit passage of torpedo boats. The cost was estimated from \$4,287,000 to \$5,361,000. (54th Cong., 2d sess., H. Doc. No. 231.)

Report of U. S. Deep Waterways Commission

1897—Jan. 8, 1896, a report was made by the U. S. Deep Waterways Commission which discussed all available routes and concluded that a deep waterway from the Great Lakes to tidewater was feasible and recommended a survey to prepare definite plans and estimates. (54th Cong., 2d sess., H. Doc. No. 192.)

Appointment of Board of Engineers

Under a provision in the sundry civil act of June 4, 1897, a board of engineers, consisting of Maj. Chas. W. Raymond, Corps of Engineers, U. S. A.; Alfred Noble, and George Y. Wisner, were appointed to make "surveys and examinations (including estimate of cost) of deep waterways and the routes thereof between the Great Lakes and the Atlantic tidewaters, as recommended by the report of the Deep Waterways Commission." This was the first actual survey of the complete routes to the seaboard, and the report of the Board was submitted in 1900.

Report by Board of Engineers on a New York Waterway

1900—A report was submitted by the Board of Engineers on Deep Waterways. Two channel sizes were considered, one 21 feet with bottom widths of 215 feet in earth and 240 feet in rock; the other 30 feet deep, with bottom width of 203 feet in earth and 250 feet in rock. The board reported that the 21-foot channel by the La-Salle-Lewiston and Oswego-Mohawk route was the most desirable. The estimate cost was \$206,358,000. For a 30 foot channel by the same route the estimate was \$326,892,000 including the necessary deepening of the harbors of Duluth and Chicago. (56th Cong., 2d sess., H. Doc. No. 149.)

"This report is the great source of information for any study of waterways between the Great Lakes and the Hudson River. It is the work of a board of three distinguished engineers. With a large corps of assistants, their study of the question occupied three years and cost \$485,000. They made very complete surveys of all the practicable routes, including borings and rock core drillings, and pursued many special investigations into impor-

*67th Cong., 2d sess., S. Doc. No. 114, p. 166.

*Speech of Rep. Kvale, Congressional Record, March 19, 1926.

tant details, such as the speed of ships in canals, the design of lock gates, and the hydrology of the rivers furnishing summit water supply. They made very complete detailed estimates of cost for these canals, as well as for the improvement of the upper Hudson and the deepening of the connecting channels of the Great Lakes. Their designs and estimates, modified to fit advancing prices and changing physical conditions, have formed the basis of all subsequent studies of these problems."

Construction of Panama Canal

The interest in the above report by the Board of Engineers was suspended because of the construction of the Panama Canal.

System of Canal Tolls Abandoned

1905—"In 1905 the Dominion abandoned the system of canal tolls, since which time all Canadian canals have been free to all vessels with their cargoes or passengers, whether these were Canadian or American. For some time Canadian vessels were only granted the use of such United States canals connecting boundary waters as those at Sault Ste. Marie, but as the result of negotiations between the Canadian and United States Governments, this privilege was finally extended to the New York State canals. Canadian vessels are not, however, permitted to navigate the Hudson River and, without that, the privilege of navigating the canals is comparatively worthless."

Waterways Treaty of U. S. and Great Britain

1909—By Art. I of the treaty of Jan. 11, 1909, it was agreed that the navigable boundary waters (between United States and Canada)—"shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

"It is further agreed that so long as this treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof."

Establishment of International Joint Commission

Under Art. 9 of the above treaty, an International Joint Commission was established to which all matters pertaining to the boundary between U. S. and Canada would be referred.

Appropriation for the International Joint Commission

1910—The annual civil appropriation bill which became a law on June 25, 1910, carried an appropriation of \$75,000 for the International Joint Commission.

1911—The General Deficiency Appropriation Act passed March 4, 1911, contained a further appropriation for buildings in the District of Columbia to be used by the International Joint Commission, and the Sundry Civil

Appropriation Act of March 4, 1911, provided the Commission (under appropriations for the Executive) with an additional sum of \$75,000 to be expended under the direction of the Secretary of State. The Act also authorized the President to fix salaries of the members of the Commission representing the U. S., and empowered the Commission to administer oaths, take evidence and compel the attendance of witnesses. Since this date the appropriations for the Commission were carried under the annual Diplomatic and Consular appropriations acts.

Members of International Joint Commission

The Commissioners appointed to represent the U. S. were: Thomas H. Carter, *Chairman*; James A. Tawney, and Frank S. Streeter. The appointees for the Canadian Government were: H. Chase-Casgrain, *Chairman*; Charles A. Magrath, and Henry A. Powell.

Deepening of Hudson River

1912—A preliminary examination was made on the deepening of the Hudson River to Troy. The report concluded that further improvement than the existing projects was not warranted at that time. (62nd Cong., 3rd sess., H. Doc. No. 1160.)

Revision of Report of 1900

1918—A preliminary examination of a channel for ocean-going vessels on the St. Lawrence River above St. Regis was made. The report revised data of the report of 1900 and estimated that such a canal 25 feet deep would cost \$33,962,772, and would allow hydroelectric development of about 110,000 horsepower. (65th Cong., 3rd sess., H. Doc. No. 1591.)

New Welland Canal

A preliminary examination was made to determine what additional improvement to harbors of the Great Lakes would be required to permit full advantage to be taken of the new Welland Canal now under construction by Canada. The report concluded that no further improvements were justifiable at that time. (65th Cong., 2nd sess., H. Doc. No. 755.)

Canals Connecting Great Lakes and Hudson River

A report was made by the Secretary of Commerce on the commercial advantages of ship canals connecting the Great Lakes and the Hudson River. (65th Cong., 2nd sess., S. Doc. No. 301.)

Congress Authorized Further Investigation

1919—By section 9 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 2, 1919, the Congress expressed a desire that the International Joint Commission investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the river navigable for ocean-going vessels, together with the estimated cost thereof.

1920—On the 21st of Jan., 1920, the Government of the United States and Canada referred to the International Joint Commission for investigation and report, under the terms of article 9 of the treaty of Jan. 11, 1909, certain questions relating to the improvement of the St. Lawrence River between Lake Ontario and Montreal for navigation and power.

Appointment of Engineers

1920—Jan. 30, 1920, the United States Government appointed Lieut. Col. W. P. Wooten of the Corps of Engineers, U. S. Army, and on April 14, 1920, the Ca-

¹69th Cong., 1st sess., H. Doc. No. 288.

²67th Cong., 2d sess., S. Doc. No. 114, p. 166.

³Library of Congress, Leg. Ref. Service, Ms. No. 72295.

nadian Government appointed W. A. Bowden, Chief Engineer of the Canadian Department of Railways and Canals, to make the investigation. These officers constituted the Engineering Board.

1920—An examination was made for a waterway between the Great Lakes and Hudson River, for ocean-going vessels. The report recommended that no further consideration of the project be given until actual completion and use of the New Welland Canal and actual demonstration of the adequacy of the New York State Barge Canal. (66th Cong., 3rd sess., H. Doc. No. 890.)

Hearings by International Joint Commission

1920-1921—Public hearings on the economic features of the St. Lawrence project were held by the International Joint Commission from March 1, 1920, to March 31, 1921. According to the subsequent report, "the main points of difference between those who advocated and those who opposed the project were as to whether or not sea-going ships could or would use the deep waterway if it were constructed; and whether or not there would be sufficient cargoes outbound or inbound to make the route a success and to justify the very considerable expense involved in its improvement.

One hundred and eighteen organizations and local commercial bodies, 14 States and 2 Provinces presented testimony in favor of the improvement with 32 organizations and local commercial bodies opposing. Approximately 350 witnesses appeared in all, and their testimony, as preserved by the Commission, fills 8,000 typewritten pages.

Report of Engineers Submitted

1921—On Aug. 24, 1921, the Government Engineers made their final report to the Commission. Three months later a special hearing was granted to Hugh L. Cooper and Co., of New York, to present an alternative power project, and to the Hydro-Electric Comm. of Canada to present an alternative combined navigation and power project.

Final Report of International Joint Commission

1922—On Jan. 6, 1922, the final report of the Commission presenting its findings, conclusions and recommendations in regard to the proposed improvement on the St. Lawrence was submitted to the Department of State which submitted it to the President. (See p. 10 for summary of report.)

On Jan. 16, 1922, President Harding transmitted the report to Congress where it was referred to the Committee on Foreign Relations of the Senate. The report was printed as a public document. (S. Doc. No. 114.)

Bills Introduced in Congress

On Jan. 23, 1922, Rep. Chalmers of Ohio introduced H. R. Res. 262 providing for "the establishment of an International Board to have jurisdiction of the construction, operation and control of the improvement of the Great Lakes-St. Lawrence Waterway," and on Feb. 1, 1922, Rep. Mapes of Michigan, introduced a bill, H. R. 10226 providing for "a deep waterway for ocean-going vessels from the Great Lakes to the Atlantic Ocean by way of the St. Lawrence and Welland Canal." Both measures were based on the report of the International Joint Commission. A sharp controversy ensued as to the reference of the resolution. Three committees claimed the right to receive it, first the Committee on Interstate and Foreign Commerce because the subject affected commerce between states and a foreign country; second the Committee on Rivers and Harbors because it affected a

waterway, and third, the Committee on Ways and Means because it affected a bond issue. The first committee won. No hearings were held and no further action was taken on the two measures, due largely to later negotiations between the State Department and the Government of Canada.

Message of President Harding

In his address to Congress on the American Merchant Marine, delivered on Feb. 28, 1922, President Harding made the following reference to the St. Lawrence River project:

"We have had a new manifestation of this broadened vision in the enthusiasm of the great Middle West for the proposed Great Lakes-St. Lawrence waterway, by which it is intended to connect the Great Lakes ports with the marts of the world. There is far-seeing vision in the proposal, and this great and commendable enterprise, deserving your favorable consideration, is inseparable from a great merchant marine."

Negotiations with Canada

On May 17, 1922, the Secretary of State sent to the British Ambassador at Washington a note stating that the United States Government would be glad to take up with the Canadian Government the negotiations of a treaty looking to the deepening of the waterways which would enable ocean going ships to reach the Great Lakes, to which the British Ambassador made the following reply on June 3, 1922:

"With further reference to the note you were so good as to address to me on May 17, in regard to the St. Lawrence River improvement scheme, I have the honor, at the request of the Government of Canada, to inform you of the substance of an approved Minute of the Privy Council for Canada respecting this matter. The competent authorities of the Canadian Government have advised the Governor General that they have not, up to the present, had an opportunity to give to the report of the International Joint Commission, and the accompanying report of the Board of Engineers appointed to examine the subject, that careful consideration which their importance merits. Moreover, having regard to the magnitude of the project and the large outlay of public money involved, the Canadian Government is of the opinion that it is not considered expedient to deal with this matter at the present time."

1923—Nov., 1923. The Hon. J. H. King, Minister of Public Works of Canada, made the following statement: "I do not think the Government of Canada or the people of Canada are in a position to consider the project of the St. Lawrence waterway, and they will not be in a position until it has been thoroughly investigated by a board of engineers representing Canadian interests."

1924—On Jan. 17, 1924, Mr. Mapes again introduced a bill (H. R. 5635) to provide a deep waterway for ocean-going vessels, from the Great Lakes to the Atlantic. The bill was referred to the Committee on Interstate and Foreign Commerce but no further action was taken.

Negotiations with Canada Reopened

1924—On Jan. 30, a note from the Canadian Government proposing that the United States appoint experts to work jointly with similar appointees to be designated by Canada on the St. Lawrence-Great Lakes waterway project was received by the State Department. The executive departments were asked by Secretary Hughes to advise regarding the appointment of American experts.

On Feb. 27, 1924, the State Department replied to the

Canadian note regarding the engineering features of the proposed St. Lawrence-Great Lakes waterway. The communication was not made public.

Establishment of U. S. St. Lawrence Commission

March 14, 1924—In pursuance of negotiations with the Canadian Government, President Coolidge appointed members to the U. S. St. Lawrence Commission. The Commission was to take under advisement a report to be made by a joint board of engineers appointed by the two governments. In appointing the Commission under the chairmanship of Secretary Hoover, President Coolidge said:

"It is my desire that the Commission should thoroughly consider the whole project in its economic and national aspects, should solicit the views of the various sections of the community, should be able to express an opinion as to whether or not the project should be undertaken at the present time. If this judgment should be in the affirmative, then I wish the Commission to consider the formulation of such projects as might be submitted for international agreement on construction, finance and administration—all of which of course must be of a preliminary nature as a basis for formal negotiations with the Canadian Government, and obviously subject to the views of Congress.

"The project of opening the Great Lakes to ocean-going ships, and development of the great power resources of the St. Lawrence River, on behalf of both the Canadian and American people, has been a hope long treasured by many millions of our people and it is in the desire that this matter, if it is sound and practicable, should be brought one step nearer to consummation that I am asking you and your fellow commissioners to serve in this matter."

Report of Channel from Hudson to Troy, N. Y.

1924—A report by the Army Engineer was made of a preliminary examination and survey of the Hudson River, N. Y., from Hudson to the dam at Troy with a view of securing a depth of 27 feet. The report recommends a channel 300 and 400 feet in width and 27 feet deep at an estimated cost of \$11,200,000.

Appointment of Canadian St. Lawrence Committee

May 7, 1924—Parallel with the creation of the U. S. St. Lawrence Commission by President Coolidge under the chairmanship of Secretary Hoover, the Canadian Government established "Canada's National Advisory Committee on the St. Lawrence Waterway Project."

Survey for N. Y. Waterway Authorized

1925—The River and Harbor Act of March 3, 1925 contained an appropriation for a survey of a "deeper waterway from the Great Lakes to the Hudson River suitable for vessels of a draft of 20 or 25 feet; preliminary examination and survey to be made by a Board of Army Engineer Officers, providing said Board of Engineers shall make use, so far as applicable of existing data, and shall make its report on or before May 1, 1926." (H. Doc. No. 288, p. 6.)

Appropriation for St. Lawrence Surveys

1925—The second deficiency appropriation act for the fiscal year 1925 (H. R. 12392), approved by the President, March 4, 1925 (Public Law No. 631), carries an item of \$275,000 available under the direction of the President for surveys of the St. Lawrence and the preparation of plans and estimates by the U. S. Section of the Joint Board of Engineers on the St. Lawrence project, approved

by agreement between the Governments of Canada and the United States.

1926—Jan. 30, the House Committee on Rivers and Harbors held hearings on the general development of inland waterways including the St. Lawrence waterway and an all-American route connecting the Great Lakes with the Atlantic.

Report on Proposed New York Waterway

March 29, 1926—In compliance with the item in the River and Harbor Act of March 3, 1925, the Army Engineers made a preliminary report of the examination of a waterway from the Great Lakes to the Hudson through the State of New York. Three possible routes for such a waterway were considered and the recommendations were against the undertaking. (See page 12 for report of Board of Engineers for Rivers and Harbors.)

1926—On April 3, 1926, hearings were held before the House Committee on Rivers and Harbors of which Mr. S. Wallace Dempsey of New York is chairman on the further possibility of an all American deeper waterway from the Great Lakes to the Hudson River.

On May 26, 1926, the House Committee on Rivers and Harbors adopted a resolution requesting the Board of Engineers for Rivers and Harbors to review the report submitted on March 29, 1926, embodied in H. Doc. No. 288; 69th Cong., 1st sess., and in reports previously made, with a view to making a further study and to the consideration of additional evidence.

During the first session of the 69th Congress which adjourned on July 3rd, there were four bills and two resolutions introduced on the project of connecting the Great Lakes with the Atlantic. These measures were referred to the House Committee on Rivers and Harbors and the House Committee on Interstate and Foreign Commerce, but no further action was taken.

Report of Army Engineers on New York Waterway

On December 6, 1926, the Board of Engineers for Rivers and Harbors and a Special Board of Engineer Officers submitted a final report in compliance with the resolution of the House Committee on Rivers and Harbors of May 26, 1926. The report stated that consideration was also given to the data prepared by the Joint Board of Engineers for the St. Lawrence project. After consideration of both reports the Board of Engineers finally concluded that a deep waterway between the Great Lakes and the Hudson River was not justified at the present time.*

Report of Joint Board of Engineers

December 21, 1926, Secretary Hoover submitted to the President the report and recommendations of the U. S. St. Lawrence Commission together with the report of the Joint Board of Engineers of the United States and Canada. (See p. 13 for summary of report.)

Report of U. S. St. Lawrence Commission

1927—The report of the U. S. St. Lawrence Commission was transmitted to Congress on Jan. 3, 1927 and printed as a public document. (S. Doc. No. 183.)

1927—Jan. 4, 1927, Mr. Shipstead, Minn., F. L. submitted a resolution (S. Res. 312) requesting the President to enter into negotiations with Great Britain for joint construction of a shipway from the Great Lakes to the sea on the St. Lawrence route. The resolution was referred to the Committee on Foreign Relations where it is now pending.

*69th Congress, 2d sess., H. Doc. No. 7.

The Chicago Water Diversion Problem

Note.—In considering the question of constructing a deep waterway from the Great Lakes to the Atlantic the question of the level of the lakes is necessarily involved. The diversion of water from the Great Lakes into the Chicago Drainage Canal has given rise to much opposition from the border states as well as from Canada. The following article sets forth the facts in the litigation now pending before the U. S. Supreme Court. The Joint Board of Engineers has presented remedial measures for this problem in their recent report. (See page 13.)

THE EXISTING legal status of the Chicago water diversion question calls for a brief historical statement. The waters of the Great Lakes System and the waters of the Mississippi River System are entirely separate, but with a number of near connections, one of which exists within the limits of the City of Chicago where the Des-Plaines and Chicago rivers come within a short distance of each other, separated originally only by a low divide.

As the city of Chicago grew, the problem of a pure water supply became more and more urgent. Under the system generally in vogue during the later half of the nineteenth century, the water used by the city for drinking and other purposes was taken from a point located well out in Lake Michigan and the sewage from the city was discharged back into the lake, supposedly far enough away to protect the water supply from contamination. However, recurrences of typhoid epidemics and other diseases, led to an effort on the part of the city of Chicago to improve and to protect its water supply.

In 1886 a Commission to consider the subject of Chicago's water supply, considered three possible alternatives, the last of which, and the one adopted by act of the Illinois State Legislature, that creating the Chicago Drainage District, was to cut a drainage canal between the Lake Michigan watershed and the Des Plaines-Illinois watershed, thereby creating an abstraction of water from Lake Michigan and discharging into such drainage canal the major portion of the sewage of the city, using the abstracted water as a dilutant to this sewage and freeing Lake Michigan from the sewage discharge that had been determined as responsible for the epidemics that had occurred.

After the opening of the drainage canal application was made to the Secretary of War for permission to divert the quantity of water provided for by the State Law. The Secretary granted permission for such quantity as would pass through the Illinois River without detriment to navigation. The quantity amounted to 5,000 cubic feet per second. This permit was issued in May 1899. Successive permits were as follows: May 8, 1899—5,000 cubic ft. per second; April 9, 1901—3,333 cubic ft. per second; July 23, 1901—5,000 cubic ft. per second (between 4 p. m. and 12 midnight, subject to revocation); December 5, 1901—4,167 cubic ft. per second; January 17, 1903—5,833 cubic ft. per second; March 31, 1903—4,167 cubic ft. per second.

Following such diversion of water from Lake Michigan there was a lowering of the levels of the Great Lakes including Lake Michigan, Lake Huron and Lake Ontario, amounting to a total of approximately 5.5 inches, and it was held by the Great Lakes immediately concerned in the maintenance of proper harbor and channel depths, that such lowering of levels was, in part at least, due to the abstraction of water through the Chicago drainage canal.

A suit in equity was instituted in the District Court of the United States for the northern district of Illinois by the United States to enjoin the Sanitary District of Chicago, a corporation of Illinois from diverting water from

Lake Michigan in excess of 4,167 cubic feet per second. The Illinois law provided for a diversion amounting to 10,000 cubic feet per second, or more than twice the amount of abstraction permitted by the Secretary of War. The suit was based upon the allegation that the withdrawal of water in excess of this amount "has lowered and will lower the level of the water of Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, Sault Ste. Marie, St. Mary's River, St. Clair River, Detroit River, Niagara River, St. Lawrence River, and all the harbors, and connected therewith, all of which are alleged to be navigable waters of the United States, and will thus create an obstruction to the navigable capacity of said waters; and that it will alter and modify the condition and capacity of the above named and their ports, etc., connected with them."

The defendant i. e.,—the Sanitary District of Chicago—replied that the United States had given its assent to all that had been done and that it is estopped from taking a position denying such abstraction of water.

In decision No. 161, October term of the Supreme Court of the United States for 1924 Justice Holmes delivering the opinion of the Court said in part "that the defendant shows the value of the channel for the great scheme of navigation that we have mentioned; recites acts of Congress and of officers of the United States alleged to authorize what has been done and to estop the United States from its present course and finally takes the bull by the horns and denies the right of the United States to determine the amount of water that should flow through the channel or the manner of the flow."

He further says—"This is not a controversy between equals. The United States is asserting its sovereign power to regulate commerce and to control the navigable waters within its jurisdiction. It has a standing in this suit not only to remove obstruction to interstate and foreign commerce, the main ground, which we will deal with last, but also to carry out treaty obligations to a foreign power bordering upon some of the Lakes concerned, and, it may be, also on the footing of an ultimate sovereign interest in the Lakes." * * * "The Treaty of Jan. 11, 1909, with Great Britain, expressly provides against uses affecting the natural level or flow of boundary waters without the authority of the United States or the Dominion of Canada within their respective jurisdictions and the approval of the International Joint Commission agreed upon therein. As to its ultimate interest in the Lakes the reasons seem to be stronger than those that have established a similar standing for a State, as the interests of the nation are more important than those of any state." * * * "In matters where the States may act, the action of Congress over-rides what they have done." * * * "Evidence is sufficient to show that a withdrawal of water on the scale directed by the statute of Illinois threatens and will affect the level of the Lakes, and that is a matter which cannot be done without the consent of the United States, even were there no international covenant in the case." * * * "A state cannot estop itself by grant or contract from the exercise of the police

Continued on page 34

Official Agencies Authorized to Report on Proposed Routes for Shipway from Great Lakes to Atlantic

International Joint Commission

United States-St. Lawrence Commission

Canada's National Advisory Committee on the St. Lawrence Waterway Project

Board of Engineers for Rivers and Harbors

Joint Board of Engineers of United States and Canada

The International Joint Commission

Present Membership of the Commission

United States Commissioners

Hon. Clarence D. Clark, *Chairman*

Hon. Fred T. Dubois

Hon. P. J. McCumber

William H. Smith, *Secretary*

Canadian Commissioners

Hon. Charles A. Magrath, *Chairman*

Henry A. Powell, K.C.

Sir William Hearst, K.C.M.G.

Lawrence J. Burpee, *Secretary*

THE INTERNATIONAL JOINT COMMISSION was created by the Waterways Treaty of 1909 with Great Britain and has jurisdiction over all cases involving the use or obstruction or diversion of waters forming the international boundary or crossing the boundary between the United States and Canada.

Article IX of this treaty reads in part as follows:

"The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations or interests of either in relation to the other or to the inhabitants of the other along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred."

By section 9 of the Act of March 2, 1919, Congress expressed a desire that the International Joint Commission investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the river navigable for ocean-going vessels.

After voluminous hearings held by the Commission, the report was submitted to Congress on January 16, 1922. The recommendations of the Commission were as follows:

(1) That the Governments of the United States and Canada enter into an arrangement by way of treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario.

(2) That the New Welland Ship Canal be embodied in said scheme and treated as a part thereof.

(3) That the proposed works between Montreal and Lake Ontario be based upon the report of the engineering board accompanying this report, but that before any final decision is reached the report of the board, together with such comments, criticisms, and alternative plans as have been filed with the commission be referred back to the board enlarged by other leading members of the engineering profession, to the end that the whole question be given that further and complete study that its magnitude and importance demand, and that after completion the administrative features of the improvement be carried out as set forth in recommendations 7 and 8 hereof.

(4) That there shall be an exhaustive investigation of the extent and character of the damage through flowage involved in the plan of development finally adopted.

(5) That, assuming the adoption of the plans of the engineering board, or of other plans also involving a readjustment of the international boundary, in order to bring each of the power houses on its own side of the boundary, appropriate steps be taken to transfer to one country or the other, as the case may be, the slight acreage of submerged land involved.

(6) That Canada proceed with the works necessary for the completion of said New Welland Ship Canal in accordance with the plans already decided upon by that country.

(7) That such "navigation works" as do not lie wholly within one country or are not capable of economic and efficient construction, maintenance, and operation within one country as complete and independent units, be maintained and operated by a board hereinafter called "the International Board," on which each country shall have equal representation.

(8) That such "navigation works" as lie wholly within one country and are capable of economic and efficient construction, maintenance, and operation as complete and independent units be maintained and operated by the country in which they are located with the right of inspection by the said international board to insure economy and efficiency.

(9) That "power works" be built, installed, and operated by and at the expense of the country in which they are located.

(10) That, except as set forth in recommendation (11), the cost of all "navigation works" be apportioned between the two countries on the basis of the benefits each will receive from the new waterway: *Provided*, That during the period ending five years after completion of the works—and to be known as the Construction Period—the ratio fixing the amount chargeable to each country shall be determined upon certain known factors, such as the developed resources and foreign and coastwise trade of each country within the territory economically tributary to the proposed waterway, and that that ratio shall be adjusted every five years thereafter and based upon the freight tonnage of each country actually using the waterway during the previous five-year period.

(11) That the cost of "navigation works" for the combined use of navigation and power over and above the cost of works necessary for navigation alone should be apportioned equally between the two countries.

The United States St. Lawrence Commission

Present Membership of the Commission

Hon. Herbert C. Hoover, *Chairman*

Stephen B. Davis, *Counsel*

Wm. C. Breed, New York

James P. Goodrich, Indiana

James E. Davidson, Michigan

Charles P. Craig, *Executive Secretary*

Charles L. Allen, Massachusetts

James R. Howard, Iowa

James P. Noonan, Maine

THE UNITED STATES St. Lawrence Commission was appointed by President Coolidge on March 14, 1924, to advise upon development of a shipway from the Great Lakes to the Sea.

On December 27, 1926, Secretary Hoover submitted the report of the Commission to President Coolidge accompanied by the report of the Joint Board of Engineers of the U. S. and Canada on the proposed shipway.

The report included a consideration of other proposed routes connecting the Great Lakes with the Atlantic through New York State. Its conclusions as summarized by Mr. Hoover, Chairman of the Commission, were as follows:

"First: The construction of the shipway from the Great Lakes to the sea is imperative both for the relief

and for the future development of a vast area in the interior of the continent.

"Second: The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

"Third: That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.

"Fourth: That negotiations should be entered into with Canada in an endeavor to arrive at an agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the International Section."

The report on the economic aspects of the problem is given below.

Economic Aspects of Proposed Shipway Routes

Report prepared by: E. S. Gregg, Former Chief, Transportation Division, A. Lane Cricher, Assistant Chief, Transportation Division. Reviewed and Revised by Norman F. Titus, Chief, Transportation Division, U. S. Department of Commerce, and Reuben B. Sleight, Engineering Assistant to the Secretary of Commerce.

Report Made Public January 28, 1927

INVESTIGATION disclosed that the drafts and dead-weight tonnage of vessels (excluding combination passenger-cargo ships and tankers) engaged in foreign commerce during October, 1924, entering or clearing at our ocean ports, could be classified as follows:

a. A 25-foot channel, available for vessels of 23-foot draft or less, would accommodate about 75 per cent of the entrances and clearances comprehending over 60 per cent of the dead-weight tonnage.

b. A 27-foot channel, accommodating vessels of 25-foot draft or less, would allow navigation for over 88 per cent of the entrances and clearances, comprehending over 81 per cent of the dead-weight tonnage.

c. A 30-foot channel, for vessels drawing under 28 feet of water, would accommodate 98 per cent of the entrances and clearances, equivalent to 95½ per cent of dead-weight tonnage.

A 25-foot channel suitable for vessels of 23-foot draft or less would accommodate 25.2 per cent of American cargo vessels of 1,000 tons and over, comprehending 12.79 per cent of the dead-weight tonnage.

A 27-foot channel suitable for vessels of 25-foot draft or less would permit navigation of 66.6 per cent of American cargo vessels of 1,000 tons and over, comprehending 54 per cent of the dead-weight tonnage.

A 30-foot channel suitable for vessels of 28-foot draft or less would allow navigation of 90 per cent of American cargo vessels of 1,000 tons and over, comprehending 84.2 per cent of the dead-weight tonnage. Investigation also disclosed that the average size of vessels of all nations engaged in transoceanic trade had increased 33 1-3 per cent since 1914 and that the present tendency among

maritime nations is for the construction of vessels of even greater size and speed. The conclusion is evident, therefore, that in order to assure proper ocean connection the minimum depth of channels should be 27 feet, thus accommodating vessels of 25-foot draft; such draft would include 54 per cent of American cargo vessels and 88 per cent of all our entrances and clearances. It is felt that restricting operation to any less percentage of ocean-going vessels would materially detract from the usefulness of the proposed waterways.

It appears, also, that permanent structures, such as locks, should be given a minimum depth of 30 feet, so as to render it possible, by subsequent deepening of canals, to provide for vessels of 28 feet of draft.

For the purposes of this study the reports* of the engineers upon problems of construction have been considered final and authoritative.

The use of these waterways will bring a result which may be expressed in three ways: First, from the standpoint of the shipper, a saving in freight rates; second, from the standpoint of the public, an expenditure for maintenance, interest, amortization, and operation; and third, from the standpoint of the economist, the actual cost of transportation being vessel cost plus canal cost.

Savings in freight rates.—It is estimated that wheat, one of the commodities likely to move in the greatest volume and for which it is possible to make a reliable estimate, could be carried from Duluth or Chicago through the proposed St. Lawrence route to Liverpool for 8 to 11.2 cents a bushel, as compared with the cheapest present combination of rates of 17.6 cents, and from the same ports to the same destination through either the

*See p. 12 and 13 for Reports of Engineers.

Lake Ontario-Hudson route or the All American route for 9 to 12.9 cents per bushel.

Public expenditure.—The engineering boards have made estimates of the annual charges for interest, amortization, maintenance, and operation; these estimates have been combined in the following table with the estimates for potential traffic in order to arrive at the cost to the public for each ton of traffic moved:

Route	Interest, amortization, operation	Estimated tonnage	Cost per ton
St. Lawrence.....	\$10,000,000	19,000,000 } to 24,000,000 }	\$0.53 to \$0.42
Lake Ont. to Hudson...	28,770,000	15,000,000 } to 20,000,000 }	1.90 to 1.44
All-American	36,000,000	15,000,000 } to 20,000,000 }	2.39 to 1.78

Concerning the expenditures on the St. Lawrence route, if the cost is divided equally between the United States and Canada the cost to the United States would be 21 to 27 cents. Two typical voyages illustrating the principles involved are from the Great Lakes to Liverpool and the Great Lakes to Colon. The costs are determined as follows:

Actual Cost of Transportation Per Ton

	St. Lawrence	Ontario-Hudson	All-American
Vessel cost (No. of days x 9.21 cents, cost per ton per day):			
Lake Erie to Colon.....	\$1.42	\$1.11	\$1.10
Lake Erie to Liverpool.....	1.28	1.59	1.58
Fixed charges and operation.....	.53	1.90	2.39
Actual transportation (vessel cost plus waterway cost):			
Lake Erie to Colon.....	1.95	3.01	3.49
Lake Erie to Liverpool.....	1.81	3.49	3.97

The following estimates of tonnage available to move via the various routes have been determined:

	St. Lawrence route	Lake Ontario-Hudson route	All-American route
	Millions	Millions	Millions
Import and export.....	12 to 17	8 to 13	8 to 13
Domestic (intercoastal and coastwise).....	7	7	7
Total	19 to 24	15 to 20	15 to 20

In the midwest, the territory tributary to any of these projects, the economic situation is considerably distorted; there is much agricultural distress and incessant demands

for remedial legislation. This situation to a large extent has been brought about by the transportation charges. Increases in railway rates since the war force the mid-west farmer to pay from 6 to 12 cents more per bushel to reach world markets than before the war. Foreign farmers close to ocean ports and pay but little, if any more than pre-war costs, because shipping rates are substantially at pre-war levels. While it is true that these rate increases apply on the exports of grain, nevertheless the price which the farmer receives in foreign markets is the principal factor in determining his return upon the whole crop, not alone the export balance. It is this transportation differential that is, unquestionably, one of the most important causes for our present agricultural depression.

Coincident with these increased rail rates the mid-west has also been affected adversely by the operation of the Panama Canal. Cheapened water transportation has brought the coasts relatively closer together at the same time that increased rail rates, figuratively speaking, have moved the mid-west farther from seaboard. This situation has been expressed graphically by setting up a new measuring unit in the shape of the number of cents that it takes to move a ton of freight. By using this measuring rod, it can be stated, that for a certain manufacturer, these postwar influences have moved Chicago 336 cents away from the Pacific coast, while New York has been moved 224 cents closer to the Pacific coast.

These factors operate reciprocally and not only place a handicap on the outbound products of the mid-west, but also add to the costs of inbound supplies.

All of these influences have had a very far-reaching effect; certain classes of industry have migrated to the seaboard; agriculture has been greatly depressed, and, through the increasing separation of agriculture and manufacture, both have been affected adversely. The net result has been to accentuate one of our present-day evils—the concentration of industry and population in urban communities.

The waterway projects under consideration offer a measure of relief for these conditions. Transportation has brought about economic distortion; in the proposed waterways we have an instrument which will have a beneficial effect and tend largely to restore the former satisfactory economic situation. The Panama Canal can not be closed; the railroad rates cannot be reduced without impairing disastrously the usefulness of our carriers, but a Great Lakes-to-the-Ocean waterway offers the mid-west a substantial rate advantage which will enable it to compete successfully once more in the world markets.—*Extracts.*

Canada's National Advisory Committee on the St. Lawrence Waterway Project

Present Membership of the Committee

Chairman, Hon. George P. Graham, Minister of Railways and Canals
Dr. W. L. MacDougall, Chairman of the Montreal Harbor Commission
Beaudry Lehman, General Manager, Bank of Hoshelaga
Hon. Adelard Turgeon, Speaker of the Legislative Council of Quebec
Sir Clifton Sifton, K. C., of Ottawa, Late Chairman of the Canadian Conservation Commission
Capt. W. E. Foster, former Premier and President of the Council of the Province of New Brunswick
Edward D. Martin, of Winnipeg
Major. Gen. John W. Stewart, of Vancouver

THIS COMMITTEE was appointed on May 7, 1924, to advise the Government of Canada on the proposed St. Lawrence project. It is analogous to the

U. S. St. Lawrence Commission, for the United States. The report of the Committee has not yet been rendered to the Government of Canada.

The Army Engineers of the United States

Edgar Jadwin, *Major General, Chief of Engineers*

Board of Engineers for Rivers and Harbors

Herbert Deakyn, *Brigadier General, Assistant Chief of Engineers, Senior Member*

Spencer Cosby, *Colonel, Corps of Engineers*

De Witt C. Jones, *Major, Corps of Engineers*

P. S. Reinecke, *Major, Corps of Engineers*

A. B. Jones, *Captain, Corps of Engineers*

THE ACT OF MARCH 3, 1925, authorized a preliminary examination and survey to be made by a special board of engineer officers on a deeper waterway from the Great Lakes to the Hudson River, provided said report was to be submitted on or before May 1, 1926. In pursuance of this item of the law a report was made by the special board of engineers who had studied three possible routes for such a waterway. The Board concluded that such a project would be economically unsound and recommended against the construction of the proposed waterway. This report was then referred, as required by law to the Board of Engineers for Rivers and Harbors, and this board recommended that the project be not then adopted. Both reports were then submitted to Major General Taylor, then Chief of Engineers who concurred in the views of the Board of Engineers for Rivers and Harbors. The report was submitted to the Secretary of War on March 29, 1926, and printed as Public Document No. 288, 69th Congress, 1st sess.

In compliance with a resolution of the House Committee on Rivers and Harbors, the Board of Engineers reviewed the above report and made a further study of the project of a waterway connecting the Great Lakes with the Hudson River, and submitted the report to Major General Jadwin. The report of the Joint Board of Engineers of the United States and Canada on the St. Lawrence project was also submitted to Major Jadwin, who considered both routes. The report made by General Jadwin, submitted to Congress, Dec. 6, 1926, (Doc.

No. 7, 69th Cong., 2nd Sess.) concluded in part as follows:

"In conclusion, my opinion and recommendation upon the major points may be summarized as follows: The transportation handicaps under which the middle western portion of the United States is laboring should be relieved and a waterway suitable for ocean vessels connecting the Great Lakes with the sea should be provided. When the market for power warrants the installation of the maximum hydroelectric equipment on the St. Lawrence, 5,000,000 horsepower, the value of such power will be equal to, or greater than, the entire cost of the improvement both for navigation and for power. The power expenditures will, therefore, carry themselves and may be eliminated for purposes of general comparison. The route from the Great Lakes to the Hudson River is feasible from an engineering point of view, and its construction by the United States Government would probably be justified in the near future, if the plans for the improvement of the St. Lawrence do not meet the joint approval of the legislative branches and executive heads of the two governments. The cost for navigation alone of the St. Lawrence waterway from the Great Lakes to the ocean for vessels of 25-foot draft is estimated at \$173,520,000, to be borne mutually by Canada and the United States, as compared with \$506,000,000 for the Great Lakes-Hudson River Route, and the former will afford better relief for the Middle West and is a better investment for the United States as a navigation proposition if mutually satisfactory arrangements for its construction can be consummated."

The Joint Board of Engineers

Present Membership of the Board

United States Members

Major General Edgar Jadwin, *Chief of Engineers.*

Colonel William Kelly, *Corps of Engineers.*

Lieut. Col. George B. Pillsbury, *Corps of Engineers.*

Canadian Members

Mr. Duncan W. McLachlan, *Dept., R.R. and Canals.*

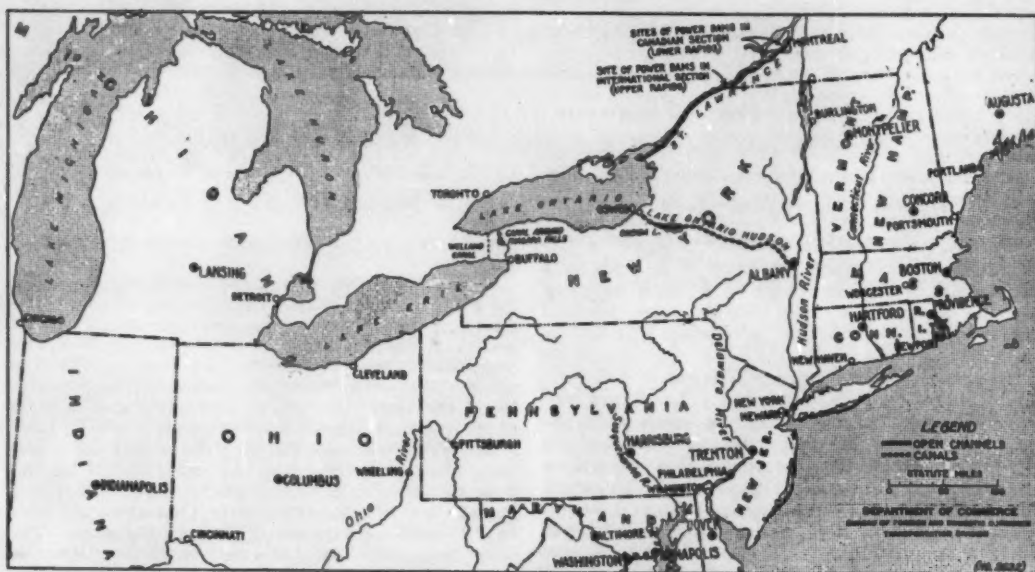
Mr. Oliver O. Lefebvre, *Chief Eng'r Quebec Streams Com.*

Brig. Gen. Charles Hamilton Mitchell, *C. B., C. M. G.*

THE JOINT BOARD OF ENGINEERS was established following a recommendation of the International Joint Commission in its report on the St. Lawrence project in 1921. On April 2, 1924, the United States designated the members of the United States Section of the Board who were also to act as advisers to the U. S. St. Lawrence Commission. On May 17, 1924, Canada appointed on recommendation of the Privy Council, approved by the Governor General, the members of the Canadian section of the Board, who were also to act as

advisers to the National Committee of Canada on the St. Lawrence project. Funds for the work of the Canadian Section of the Joint Board were voted by the House of Commons of Canada yearly as required. Funds for the American Section were provided by the Deficiency Act of March 4, 1925, which made available for that purpose, under the direction of the President, not exceeding \$275,000 of funds appropriated for maintenance and improvement of river and harbor works.

Continued on page 15



MAP SHOWING PROPOSED ROUTES FOR SHIPWAY FROM GREAT LAKES TO ATLANTIC
I. THE ST. LAWRENCE ROUTE; II. THE LAKE ONTARIO-HUDSON ROUTE; III. THE "ALL-AMERICAN" ROUTE

Description of Proposed Routes

I. The St. Lawrence Route

THE PART of the St. Lawrence with which the proposed project is particularly concerned lies between Lake Ontario and Montreal. The river here runs in deep slow-flowing reaches and lake-like expansions, readily improved for navigation, with intervening reaches of rapids and swift currents. For the first 67 miles from Lake Ontario the river is a deep slow-flowing stream. It then passes through the remaining 49 miles of the International border in a succession of rapids and swift water. Leaving the border, the river expands into the quiet waters of Lake St. Francis. From this lake it drops in a succession of rapids to Lake St. Louis, and from Lake St. Louis drops through more rapids to Montreal Harbor.—*Report of Joint Board of Engineers.*

The development of the St. Lawrence Waterway is necessarily also a development of the huge hydro-electric power from the great rapids which now obstruct navigation on the river. The complete practicable power development of the river will provide a total of about 5,000,000 installed H. P. of which about 2,250,000 lies in the upper rapids along the international section between New York State and the Province of Ontario, the remainder lying in the lower rapids and wholly within the Dominion of Canada. The inevitable development of the river for power would in itself compass the major construction for the shipway since the dams necessary for development of power create a series of pools in place of the present rapids which, with the supplement of locks and short canals, become the shipway.—*Report of U. S. St. Lawrence Commission.*

II. The Lake Ontario-Hudson Route

The Lake Ontario-Hudson route is the shortest of three

proposed routes (see note following) between the Great Lakes and the Hudson. It was carefully surveyed by the deep waterways board in 1897-1900. It leaves Lake Ontario from an artificial harbor to be built about a mile west of the mouth of the Oswego River. It joins the River at Minetto, six miles south of Oswego, follows the river to Fulton, and then cuts across a low divide into Oneida Lake. Between this lake and the Mohawk River at Frankfort, the board considered two alternate plans. The "high-level" plan has a summit level 13.6 miles long, at elevation 416. The "low-level" plan carries the regulated level of Oneida Lake, 379 feet, for a distance of 72 miles to Frankfort. From Frankfort to Schenectady this route is practically a rectification of the Mohawk River. Then it crosses the low divide to the head of Normans Kill, which stream the line follows to the Hudson a short distance below the city limits of Albany.—*Report of Army Engineers, December 6, 1926.*

Note: There are three possible routes for a deeper waterway for vessels of 20 to 25 foot draft from the Great Lakes to the Hudson. The first follows the line of the present Erie Canal, leaving Lake Erie at Buffalo, passing through Lockport, Rochester, and Syracuse to the Mohawk River near Rome; thence down the Mohawk Valley to the Hudson near Albany. The second is the Lake Ontario-Hudson route described above. The third route starts from the outlet of Lake Ontario, descends the St. Lawrence Valley to Lake St. Francis, then crosses the divide into Lake Champlain, traverses that lake and follows approximately the line of the Champlain Canal to the Hudson River above Troy. (The first and third routes are not indicated on the above maps as they were found less practicable than the second).

III. The "All-American" Route

The so-called "All-American" route would include the Lake Ontario-Hudson project plus a new ship canal around Niagara Falls in United States territory which would duplicate the new Welland Canal now being built

by Canada. The route would be "All-American only to the western end of Lake Erie because of the fact that the international boundary line crosses the canal connecting Lake Erie with Lake Huron and also the canal connecting Lake Huron and Lake Superior.

Comparison of Proposed St. Lawrence and New York Routes

From Report of Army Engineers, December 6, 1926

Distance from	St. Lawrence Route		Lake Ontario-Hudson			St. Lawrence Ont.-Hudson	
	Miles	Time	Miles	Time		7 to 9	18 to 20
Duluth to—					No. of locks (Lake Ontario to sea).....	8	54
Liverpool	4,544	17 dys. 12 hrs.	5,173	20 dys. 21 hrs.	No. of bridges (Lake Ontario to sea)....		
New York	3,017	11 dys. 23 hrs.	1,466	7 dys. 11 hrs.	Miles of restricted waterway		
Colon	4,975	19 dys. 1 hr.	3,739	15 dys. 17 hrs.	(Lake Ontario to sea).....	21 to 25	128
Seattle	9,655	36 dys. 6 hrs.	8,419	32 dys. 22 hrs.	Maxim new power development (hp.) about	5,000,000	Negligible
Gibraltar	5,008	19 dys. 4 hrs.	5,180	20 dys. 22 hrs.	Length of closed season.....	Practically the same	

Estimate of Requirements for the St. Lawrence Project

Estimate of Cost.—The Joint Board of Engineers estimates the cost of improving the St. Lawrence river for navigation of vessels of 25 foot draft to be \$173,520,000. The cost of such a channel plus a development of 1,365,000 horsepower initially installed is estimated to be between \$350,000,000 and \$385,000,000. The cost of such a channel plus a development of 5,000,000 horsepower is estimated to be from \$620,000,000 to \$650,000,000.

Estimate of Time.—The time such a project would take is estimated by the Joint Board of Engineers to be from seven to eight years.

Negotiations with Canada.—The St. Lawrence project would be a joint enterprise between the United States and Canada which would require a treaty between the two countries to carry out the undertaking. In his letter to Secretary Hoover, appointing the United States-St. Lawrence Commission, President Coolidge said that if the project is deemed favorable, "then I wish the Commission to consider the formulation of such projects as might be submitted for international agreement on con-

struction, finance and administration—all of which must be of a preliminary nature as a basis for formal negotiations with the Canadian government, and obviously subject to the view of Congress.*

There is now pending in Congress a resolution requesting the President to enter into negotiations with Canada for the joint construction of the St. Lawrence shipway.† Under the U. S. Constitution the President has the power to make such a treaty "by and with the advice and consent of the Senate." Such negotiations would probably not be undertaken between the United States and Canada until the National Advisory Committee on the St. Lawrence Project renders its report to the Canadian government.

Appropriations.—Should the St. Lawrence project be undertaken as a joint enterprise it would be necessary for Congress to make appropriations to defray the costs in which the Canadian government would bear a definite share.

*Letter of President Coolidge, March 14, 1924.

†See p. 8 of this issue.

Estimate of Requirements for the Ontario-Hudson Project

Estimate of Cost.—The army engineers have estimated the cost of a 25-foot waterway from Lal. Ontario to the Hudson River to be \$506,000,000. If the so-called "All-American" route is adopted a new canal between Lake Erie and Lake Ontario would have to be built on United States territory duplicating the new Welland canal now under construction by Canada. Such a canal would cost an additional \$125,000,000 and it is estimated that it will cost another \$100,000,000 to deepen the lake harbors and channels incident to such a waterway.

Estimate of Time.—The time in which such a waterway could be constructed is estimated by the Army Engineers to be about ten years.

Negotiations with New York State.—In his message of

March 8, 1926, on the New York State Barge Canal, Governor Smith recommended that the State Legislature pass resolutions instructing a Special Commission to negotiate with the Federal Government on the proposed waterway. The superintendent of Public Works of New York State in his 1926 report of the State Barge Canal recommends that the barge canal be ceded to the Federal Government to be utilized in the construction of the proposed waterway. Should the State legislature cede the canal to the Federal government an act of Congress would be necessary in order to accept the deed.

Appropriations.—Should the New York project be undertaken it would be necessary for Congress to make appropriations to defray the costs.

The Joint Board of Engineers—continued from page 13

The instructions to the Joint Board of Engineers were agreed to by the two Governments by an exchange of notes dated February 4 and March 17, 1925, which are in part as follows:

"The Governments of Canada and the United States have accepted the recommendation, made by the International Joint Commission in its report dated December 19, 1921, that the question of the development of the St. Lawrence River for navigation and for the supply of power be referred to an enlarged joint board of engineers.

It is desired that the new board should review the report dated June 24, 1921, made by the late Mr. W. A. Bowden and Col. W. P. Wooten, and that it should extend its inquiries to certain additional matters with a view to supplying the technical information likely to be relevant to the proposals made in the report of the International Joint Commission above referred to."

On November 16, 1926, the Joint Board of Engineers rendered its report to the U. S. St. Lawrence Commis-

Continued on page 35

The St. Lawrence Shipway vs. The New York Route Pro and Con Arguments

By Members of Congress, State Officials, Engineers and the Press

Pro

HON. WILLIAM W. CHALMERS
U. S. Representative, Ohio, R.

THE ALL-AMERICAN deeper waterway across the State of New York from Lake Erie to Lake Ontario and from Lake Ontario to the Hudson River at or near Albany; and from Albany to the sea through New York Harbor, should not be constructed.

The interests of the farmer, the manufacturer, and consumers of the landlocked, mid-western continent of our great republic will be set back for a quarter of a century if we permit selfish greed to put through this second or third rate canal. Instead of being called the euphonious, patriotic all-American canal, it ought to be called the superbarge canal. It can never become a canal that will make the Great Lakes cities seaports. That is what we want. It is what we must have. We want the Great Lakes to become an arm of the sea. We want an American seaway—not an all-American barge canal. Let me say to New York, the forty-five millions of American citizens out west of the Alleghany Mountains, who are engaged in industry, and who are beginning to smother for lack of transportation circulation, have eyes to see and ears to hear. They will not permit this hideous thing to be done to their commercial ambitions and possibilities. We will not permit them to be Shanghaied and dragged through the New York Barge Canal to be thrown into bondage for 25 years before the mast of the ship of state of New York and her crowded port.

I quote from the report of the Board of Engineers:

"The board considers that the construction of the proposed waterway would not result in benefits commensurate with the required expenditure. It, therefore, does not feel warranted in recommending that the project should be undertaken by the United States at the present time." This was the board's best judgment rendered on the merits of the case. Now they are asked to reverse themselves by the order of their superior officer, the Secretary of War.

Let us see what nature has done for these two rival routes. She has furnished no water for the New York way except what you can catch in a rain barrel on the top of the hills. New York State has spent sixty millions of dollars in constructing an artificial reservoir, or cooping a big rain barrel to hold water to assist in floating ships up the mountain side for 133.6 feet and then down again 379 feet into the Mohawk Valley. They want us to make our ships climb a mountain without water and then go under 90 bridges for the sole purpose of getting to the "jam" in New York Harbor.

What about the St. Lawrence route? It is the way of the least resistance. It is the natural way to the sea. It is the way that is economically feasible. It is the shortest way. It is the way where there is an abundant supply of water. How much water? Nature furnishes 241,000 second-feet of water at the head of the St. Lawrence and all the way down hill to the sea.

Continued on next page

Con

HON. H. WALLACE DEMPSEY
U. S. Representative, N. Y., R.

THERE NEVER HAS BEEN a time when there was so strong a sentiment in favor of waterway development as now. We have already paid a very large part of our war debt. The prime need is for ample transportation facilities and the cheapest transportation obtainable. With all these conditions, the people are demanding, and should be granted, the development of worthy projects such as that in hand.

"The all-American route will bring together on this cheapest of all waterway systems the 15,000,000 people in New York, New England, and New Jersey, and the 40,000,000 people in the Middle West and Northwest. And it will give all of the country, from Duluth to New York City, the cheapest transportation possible to the Atlantic coast, the Gulf coast, and through the Panama Canal to the Pacific. In its wide usefulness it is of as high and great national importance as the Panama Canal.

Commerce with South America, Central America, the West Indies, and Mexico will be much larger than is estimated. This is best estimated by the fact that our trade with South America grew from 5.6 per cent of our total foreign trade in 1910 to 12.9 per cent in 1924; it multiplied two and one-half times. Our trade with Asia, which in 1910 was 5.6 per cent of our total foreign trade, grew to 25.8 per cent in 1924, an increase of four and one-half times, and no small part of this was undoubtedly through the Panama Canal.

The amazing growth of the South Atlantic States and their increased transportation necessities were not, it is believed, given sufficient weight: The growth of North Carolina in 20 years from being purely agricultural to the point where it is first in the manufacture of tobacco, second in textiles, and third in furniture, and with a marvelous water power and unrivaled schools and good roads is the outstanding social and commercial development of the last quarter of a century. Even North Carolina is surpassed in growth, however, by Florida, and the whole of the southern Atlantic States are growing at a most amazing rate in commerce, to prove which all we have to do is to examine the car loadings of the Southern Atlantic Coast Line, Florida East Coast, and Seaboard Air Line railroads. The very recent and great growth of water transportation between Florida and the North is a matter of common knowledge.

All this southern country will send to, and will receive from, the all-American route a vast and constantly and rapidly increasing tonnage.

About 15,000,000 people are situated contiguous to or within easy reach of the eastern end of this deeper waterway. They all need the grains and other foodstuffs of the West. This grain has so far come to Buffalo by water and then a large part of it has been shipped by rail. With the deeper waterway completed, this grain and other foodstuffs will be carried on to Albany and New

Continued on next page

Pro—continued

HON. WILLIAM W. CHALMERS—continued

There are two premises I would like to establish. First that the construction of first-class ship channels, such as the St. Lawrence improvement, from the Great Lakes to the ocean will make all Great Lakes ports preferred ports. That is, they will all have the same freight rates to Liverpool that New York and the Atlantic ports have now.

All the Atlantic seaports now have the same Liverpool rate although some of them are 1,000 miles apart. Then if Duluth has the New York rate to Liverpool the railroad freight cost from Duluth to New York City would be saved. For export this would be 36½ cents per hundred for flour and 22 cents per bushel for wheat. This does not show the full saving because it does not take into account the excessive transfer and port charges at the congested port of New York, and the transfer from the box cars to the ocean freighters. It permits the scientific freight handling apparatus on the Great Lakes to cut the cost another ten to fifteen cents a bushel. I have mentioned Duluth, the same principle holds from Milwaukee, Chicago, Detroit, Toledo, Cleveland, and Buffalo. Poor blind Buffalo? The greatest commercial advantage would come to Buffalo in the opening of the St. Lawrence River to world shipping.

Let us look to the saving in exporting automobiles. The export rail rates from Toledo and Detroit to New York is 82½ cents per hundred. In addition to the New York transfer charges that would result in a saving of \$16.50 on every car shipped abroad, if the car weighed 2,000 pounds. Add to that the New York port savings and you can see what it will do to the automobile industry. Those who make the cars and the consumers will be greatly benefited when we can load the ships at the Willys-Overland factory in Toledo, or at any of the great automobile factories in Detroit, and unload them in the markets of the world in Europe, Asia, Africa, either coast of South America, the western coast of our own country or in the Orient. What this seaway will do for wheat and automobiles it will do for every other line of commerce, agriculture and industry.

The other point I wish to call your attention to is a logical deduction from the proposition just demonstrated. New York is standing in its own light. They can save each year, after the opening of the St. Lawrence seaway, \$7,920,000 in freight on their bread bill alone. The same principle holds true on everything they eat; the potatoes from Ohio, beans from Michigan, corn from Illinois, dairy products from Wisconsin, and so on to the end. They will not only save in their freight bills on the necessities of life but when we prosper, as a result of better transportation conditions, we will go down to New York to spend our surplus. Therefore, I claim New York is standing in its own light when it opposes this seaway.

What an international crime that we do not move in this matter now! The cost of the entire works has been running to waste over the falls in the form of white coal, while we have been standing idly by arguing about it.

The gentleman from New York, Mr. Dempsey, concedes that in Niagara Falls and the rapids of the St. Lawrence, we have over 7,000,000 hydroelectric horsepower. What a crime to let that go to waste! This water has been going over the falls since the early morning of

*Continued on next page**Con*—continued

HON. H. WALLACE DEMPSEY—continued

York for distribution. And many of the products of the factories in this eastern territory will go back over the deeper waterway for distribution in the West.

The automobile tonnage will, it is urged, be six or seven times as large as the survey board estimates. There was an increase of registered automobiles in New York, New England, and New Jersey in 1925, over 1924, of 452,000. The total registration in this territory in 1925 was 3,570,182. On the basis of replacements of registered cars every three years, these replacements would be 1,190,060, which, added to the 452,000 of increase, would make altogether 1,642,060 cars, and, it is estimated, that same number of tons. At least one-third of this total, or 547,000 tons, would, it is confidently believed, be shipped by water at a saving of nine-tenths of what it would cost to ship them by rail. This tonnage is five and one-half times that estimated in the report.

Incidentally it should be said that the automobile industry will profit certainly as much, and probably more than any other industry, and the value to it of the all-American route cannot be overestimated. The figures given are entirely aside from the export trade, which would undoubtedly bring the total up to at least 700,000 tons.

The estimates of traffic on a great canal like this, connecting great bodies of water where vast volumes of water transportation already exist, is quite certain to be small, as shown in the case of the Panama Canal.

Canada will itself furnish more tonnage to the "all-American" route than the oil of California has contributed to the Panama Canal. Canada's announced policy is to require industry to come to her to develop her power on her own soil and not permit that power to go to the United States. She will have 2,000,000 horsepower at Niagara and 5,250,000 on the St. Lawrence—far the greatest water power in the world. With it she will develop as great an industrial center as exists. She will take the surplus industrial workers from England, relieving it of its overpopulation problem, and will add hugely to the number of producers in her own country. She has the territory and the natural resources, and all she needs is this population, which will come to her and which she can use. She will have an enormous manufactured output for export. It will go to South America, Central America, the West Indies, and the Orient. And it will go by the "all-American" route, which is 340 miles to the sea, instead of following the St. Lawrence for 1,180 miles, and then being a thousand miles north of New York. This tonnage can reasonably be expected to be as large as that of the California oil through the Panama Canal.

The added transportation facilities which will be made necessary by our growth in population will serve our people only if constructed in our own country. Certainly a waterway through Canada would afford very little relief to congestion in the United States. The United States would not think of constructing a railroad in Canada to relieve congestion within its own borders. Why would it be any more justified in deepening the waterway there? The railroad and the deeper waterway are transportation systems—nothing more.

The vigorous and successful prosecution of the World

Continued on next page

Pro—continued

HON. WILLIAM W. CHALMERS—continued

creation and will not cease until darkness closes the last days of eternity. Let us stop the waste now. Let us bring relief to the farmers, the factory workers, the consumers, and commercial interests of the mid-western States, now being bled white and smothered by high freight rates.

There is no excuse for the so-called all-American route, concerning which there have been 17 Federal surveys from 1836 to 1925 and 9 New York State surveys. The only excuse for it is to have something pending to put off action on the St. Lawrence project when we are ready for action.—*Extracts, see 4, p. 35.*

HON. WILLIAM L. CARSS

U. S. Representative, Minn., Farmer-Labor

AS BETWEEN the 179 miles between Oswego and Albany, 159 miles of it narrow channel and restricted navigation, and the 33 miles which must be improved on the St. Lawrence between Ogdensburg and Montreal, the Canadians have a 5 to 1 advantage over us on distance, and if we start building a ship canal across New York Canada can have one built up the St. Lawrence and have it open before we do. She has already nearly completed her New Welland Ship Canal and we have only begun talking about ours. She can have the New Welland ready in two years, and even conceding our marvelous superiority in everything, including engineering, we must admit that probably a race that has built the Makwar Dam in Egypt, and that has tunneled the Rockies in Canada again and again, can probably build 33 miles of ship canal almost as quickly as it will take us to build 179 miles, to say nothing about the Niagara gap and all the rest of the construction absolutely necessary to make the wild dream of a so-called all-American route a reality.

This we can depend on: If we start out on our own hook to build a canal from the Great Lakes to the Atlantic Ocean, no matter on what grounds we do it—whether for economic reasons or for that toll-gate patriotism for which New York is becoming so justly famous, Canada would be forced, by reason of her economic need, to do the same thing. She certainly would have to do so if we are not going to allow her use of our canal and if we allow her use of our canal, how do we escape giving her its benefits? And if we do not allow her to use our canal and force her to build one of her own, how can we prevent her from using her canal when it is built, and if she uses her canal, then how much better off are we than if we went ahead in the first place and, as a partner with her, built a ship channel down the St. Lawrence direct to the sea by the cheapest route, by the route that leads direct to our European markets, and by a route which does not raise the inevitable national complications that a canal built for purposes of national defense and as a sop to a false patriotism would create?

A so-called all-American ship canal is a fallacy. In the first place the proposed canal is not all-American, and if it were it would be built at a staggering cost, which could only be justified on the ground of national defense and national existence. This is a problem which does not rightly enter. For 100 years we have lived up to the spirit of the treaty of 1818 which neutralized the Great Lakes, and every step that has been taken in the

*Continued on next page***Con—continued**

HON. H. WALLACE DEMPSEY—continued

War was hampered by the want of this deeper water way. How much more seriously hampered would we be in a war in the future when, with our increase of population, our traffic facilities will be enormously less adequate than they were in 1918?

And, no matter how friendly our relations with Canada may be, there will be the keenest rivalry with it, and with England, for the commerce of the world. This is made evident by a letter from former President Crowley of the Fleet Corporation, dated March 4, in which he says:

"As between the two routes it seems to me that the American people should be more interested in developing that one which is wholly within their own territory and which therefore will be exclusively under their own control, in preference to the expenditure of millions of dollars on an improvement which will not only be very largely in foreign territory, but will probably contribute more to the development of Canadian ports than ports of the United States."

As has been said, the St. Lawrence route would serve only our trade with Europe, which the all-American route will serve equally well. For our domestic trade, and all foreign trade except with Europe, the St. Lawrence would be of no value whatever as is illustrated by the fact that from the lower end of Lake Ontario to the Atlantic by the all-American route is but 340 miles, while from Oswego to the Atlantic through the St. Lawrence canal the distance is 1,180 miles. The all-American route goes through the most densely populated part of the United States and where the greatest traffic is available, while the St. Lawrence would furnish no tonnage for the 1,200 miles from Oswego to the sea. The St. Lawrence is dangerous from icebergs, fogs, and tides, and has a high insurance rate. The all-American route is free from all these disadvantages.

In addition to all these, it is a matter of common knowledge that Canada will not consent now, and there is every reason to expect that she will not consent in the future, to the deepening of the St. Lawrence. So the all-American is not alone far the most useful route, but it is also the only route that can be had. And it is believed that it will be regarded as a highly advantageous fact that the route advocated is all-American; that the money to build it will be spent in this country; that the labor employed will be American labor; and that the route will make it part of a united and vast system of waterways serving this whole country and binding it together in a united and increasingly prosperous Union. It will serve, in connection with the two oceans, the Great Lakes, and the splendid Mississippi system with its magnificent lengths, as one coordinated system of waterway transportation, serving all our people, ministering to their wants, bringing them in closer contact, and creating constantly mutual interests and new bonds of sympathy.—*Extracts, see 2, p. 35.*

HON. ANTHONY J. GRIFFIN

U. S. Representative, New York, Democrat

THE BOARD OF ENGINEERS of the United States Army have before them now* for consideration a

Continued on next page

*The final report of the Army Engineers was made on Dec. 6, 1926.

Pro—continued

HON. WILLIAM L. CARSS—continued

development of our Great Lakes commerce since that time has been based upon the fact of neutrality. We have joined hands with Canada in the development of the Great Lakes and their connecting waters. They have used our waters and our canals and we have used their waters and their canals. We have a treaty right that gives us the use of the St. Lawrence. If we ignore that right and build our own waterway from Lake Ontario to the Hudson, do we not in effect abrogate the treaty now existing with Canada? Do we not at least waive any claims we may have, and title we may now possess to the St. Lawrence waterway? As sure as we do that Canada must and will build her own way from the ocean to the Lakes, and for her to possess a waterway that is superior to ours, as engineers admit it is, would put us in a position of having constructed a \$500,000,000 monument to a false patriotism that would stand as a perpetual threat at the very existence of a friendly neighbor.

—Extracts, see 5, p. 35.

*Great Lakes-St. Lawrence Tidewater Association**

Charles P. Craig, Executive Director

IT IS AGREED by both friends and opponents of the St. Lawrence ship channel that a seaway connecting the Great Lakes with the Atlantic is necessary. The opposition to the St. Lawrence route recites certain alleged disadvantages of that route and advantages in favor of the "All-American" which deserve careful attention.

It is contended by the opposition to the St. Lawrence route that the military value of an "All-American" route itself would justify the much higher cost. To this the opinion of the U. S. Engineers, as reported in House Document No. 288, transmitted under date of March 30, 1926, is sufficient answer:

"The military advantages of the proposed waterway across the State of New York are not sufficient greatly to affect the consideration of a matter involving hundreds of millions of dollars."

It is urged by the proponents of the New York route that the St. Lawrence route has a greater distance to the sea. Technically this is true. Practically it is utterly false and misleading. The bulk of the export tonnage of the interior of the United States is destined to European ports. The St. Lawrence parallels the North Atlantic coast. An examination of a globe map of the world reveals the fact that Erie, Pennsylvania, situated on Lake Erie, is closer to Liverpool via the St. Lawrence River than is the port of New York via the Atlantic, and that the two routes to Europe are practically parallel, joining in the vicinity of Newfoundland. The distance to Liverpool via the so-called "All-American" route is 625 miles more than via the St. Lawrence. The distance to Mediterranean ports is 43 miles more; the distance to the Red Sea and the East Indies 43 miles more than via the St. Lawrence. It is only to South America and the West Coast of North America that there is any appreciable gain in distance via the "All-American" and on

*This is a voluntary association of twenty-one member states associated to assemble and disseminate helpful information in regard to the improvement of the St. Lawrence to connect the Great Lakes with the ocean. Ex-Governor Harding of Iowa is President of the association.

Continued on next page

Con—continued

HON. ANTHONY J. GRIFFIN—continued

report which to my mind shows a degree of bias that is unexplainable.

The engineering feasibility of the all-American project is admitted, but doubt is expressed as to whether the probable traffic will justify the outlay. Of course, this is a palpably unjustifiable and gratuitous speculation.

It is obvious that if the probable traffic from the Great Lakes region will justify the St. Lawrence project, it will justify the all-American canal.

The potential use of either lies in the products of the great American States in the northwest seeking an outlet to the sea. They will, of course, use either. It is ridiculous to suggest that they would not use the all-American canal if it were built. The only question therefore, is which project an American should support.

I confess I cannot understand why any patriotic American should lend his influence to the building of a canal with American money on foreign soil. It is absolutely inconceivable how or why a real American could possibly be cozened or dragooned into supporting such a proposition.

It estimates that the probable tonnage on the all-American waterway will be only 15,000,000 tons annually and yet is apparently willing to concede that the tonnage on the proposed St. Lawrence canal will be 30,000,000 annually.

Why the difference in the guess? It is simply a case of the wish being father to the thought. It is no argument to say that the St. Lawrence canal will be a feeder to European markets, for that is no more true of one project than of the other.

Does not the present barge canal, insufficient as it is in this present day, feed the European market, and is it reasonable to suggest that if it is enlarged it will cease to function in that respect? The idea is preposterous.

But worse than that is the utter neglect of the tremendous factor that the all-American canal will supply the market of the New England States and the Atlantic seaboard, markets which will be utterly unavailable and out of practical reach of the St. Lawrence Canal.

In view of this serious flaw in the report it ought to be obvious to any impartial mind that its conclusions are permeated with an unaccountable bias.

Governor Smith points out that in the last eight years—1918-1925—the St. Lawrence Canal carried 14,575,000 tons of freight which originated in the United States. Why should not this immense tonnage go through American canals or through American ports? There is no answer. To permit this condition to continue or, incredible as it seems, lend our aid to making it the fixed policy of the future, as seems to be the purpose of the St. Lawrence advocates, is little short of sheer treason to American interests.

Another thing. How is it possible for the same men to conclude that an all-American waterway following the line of the barge canal down the Hudson River is going to have less of a market than the St. Lawrence Canal project could possibly have? The thing is absurd upon its face.

This question sooner or later must resolve itself down to an American question, a patriotic question.—Extracts, see 3, p. 35.

Pro—continued

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSN.—cont'd

this point of comparative distances the St. Lawrence Commission of the United States report says:

"The actual distance by the St. Lawrence from Lake ports to northern European ports would be less by 625 miles, as compared with the Ontario-New York route. The actual distance from lake ports to New York would be greater by 1,550 miles and to South Atlantic points from 540 to 1,350 miles by the St. Lawrence, but these items are more than compensated for by better navigation and lesser fixer charges."

Avowedly the purpose of the "All-American" route is to assure transit of mid western goods, coming and going, through the congested port of New York and to assure transfer of such goods from lake vessel to ocean steamer, either at Albany or New York.

The purpose of a ship canal as desired by the middle west is for the transfer of its products to ocean-going vessels at Lake ports and thence direct to destination on the Atlantic coast or across the seas.

The navigation difficulties of the St. Lawrence route are stressed by the opposition. The facts are that the St. Lawrence is open for the same length of season as the Great Lakes and over a term of years shows an open season averaging ten days longer than the proposed "All-American" route—for the St. Lawrence 223 days; for the New York route 213 days. This argument is disposed of by the St. Lawrence Commission's report with the observation: "The operating season, free from ice, is practically the same."

Icebergs is another bug-a-boo of the New York opposition. It may be observed that the Atlantic ship lines leading from New York to Liverpool are not free from icebergs, as the fate of the Titanic shows. Fogs are another argument used against the St. Lawrence and the truth is that both fogs and icebergs are common to both routes, shared by both routes in about equal proportion and constitute no argument for the one as against the other.

The opposition to the St. Lawrence route urges the national advantage of an "All-American" route regardless of the fact that such a route cannot be built as "All-American." A ship canal limited in capacity, with 137 miles of restricted channel as against 21 to 25 miles of restricted channel on the St. Lawrence could be constructed from the Hudson River to Lake Ontario, and from Lake Ontario into Lake Erie. This at a cost, estimated by the Army Engineers at \$631,000,000, wholly to be borne by the United States, as compared to a maximum estimate of \$173,520,000, according to the Joint Board of Engineers, for the completion of a 27-foot ship way via the St. Lawrence, a joint cost to be shared by the United States and Canada. The Ontario-Erie section of this "All-American" route would duplicate at a cost of \$125,000,000 the New Welland Canal now under Canadian construction and ready in 1930 for absolutely no other purpose than to provide a United States channel for United States ships, thus challenging and placing in jeopardy previous treaties between the two nations under which Canadian and American vessels alike interchangeably and without charge use American locks and canals, and Canadian locks and canals, from Lake Superior to the Atlantic ocean.

Continued on next page

Con—continued

HON. ALFRED E. SMITH
Governor of New York

FOR MORE than a century and a half this country has talked of connecting the Great Lakes with the Atlantic Ocean by a ship canal. One hundred years ago this desire was partially met by the construction of the old Erie Canal, and it is doubtful if any transportation project was ever a greater success. Up to 1883, the year tolls were abolished, the Erie Canal, together with its branches, chiefly the Oswego Canal, had repaid the State not only all it had cost for construction, operation, and maintenance, but it had turned in the handsome profit of \$43,599,717 over and above these charges. What was of greater benefit, however, than mere dollars, the Erie Canal fostered the growth of that great industrial zone which with its chain of cities and many factories extends from Buffalo to Troy and on down the Hudson River to end at greater New York. When the railroads appeared they followed this well-established trade route, so that as a traffic line to the West it was not only the first in point of time but it has remained the first in importance in this country.

As the population of our Middle and Western States increased lake commerce grew in proportion, and the agitation for a deep waterway between our inland seas and the ocean became more pronounced. Then without warning came the World War and with it the necessity for transporting hundreds of thousands of tons of supplies from our Middle and Western States to the Atlantic seaboard, and for the first time it was proven beyond dispute that our railroads were not adequate to meet such an emergency.

A ship canal, however, is not needed solely to meet emergencies. Our five Great Lakes make up the largest body of inland waters in the world; the States bordering them are large in area, population, and production. These Lake States, with the more westerly ones—North and South Dakota, Nebraska, Iowa, Kansas, and Missouri—now produce an enormous tonnage of both agricultural and manufacturing products, and as the years go by this output of farm and factory will surely increase and the demand for the cheaper water transportation to the markets of the world will become more insistent.

It is natural and proper that every American should wish the supremacy of American ports continued; to accomplish this, a ship canal to the Lakes, through American territory, is a necessity.

The American canal will not only provide the cheaper water rates desired by our Western States, but it will make Erie, Pa., Cleveland, Toledo, Detroit, Chicago, Milwaukee, Superior, Duluth, and other Lake cities seaports, having the shortest water route to every Atlantic port, and to the West Indies and Central and South American markets.

I say these Lake cities will be seaports in spite of the contention so often heard that ocean ships will not go to nor navigate upon the Lakes. The large and ever-increasing tonnage handled at Montreal proves that so far as the success of a ship canal to the Lakes is concerned it is not necessary for ocean steamers to enter the Lakes at all. What is necessary is to provide a junction point where fresh and salt water tonnage may be exchanged, a port where the lighter-built Lake steamers may meet and transfer cargo to the ocean vessel.

Continued on next page

Pro—continued

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSN.—cont'd

The so-called "All-American" route is a physical impossibility. It could extend only to the head of Lake Erie. Beyond that point, in the Detroit, the St. Clair and St. Mary's Rivers the ship channel crosses the International boundary line something like twenty times. The "All-American" is not intended to appeal to the business judgment nor to the sound common sense of patriotic Americans. It is put forward for purposes of delay. It is false in name, it is not sound as an engineering proposition. A canal across the State of New York requiring twenty locks as compared to nine by way of the St. Lawrence, obstructed with 54 bridges as compared with 3 via the St. Lawrence, with 137 miles of confined channel as compared to a maximum of 25 in the St. Lawrence, costing the nation an estimated annual maintenance charge per ton amounting to \$2.06 as compared to an estimated total maintenance charge per ton of \$0.43 by way of the St. Lawrence, diverting the major portion of mid-western traffic more than 600 miles out of its natural road has in it little of appeal to the marooned interior as a means of transportation relief. The "All-American" plea is "bogus."

The St. Lawrence seaway, on the other hand, completes improvements of the Great Lakes and St. Lawrence which have been under way for exactly a century. The locks at the "Soo," built in part by Canada and in part by the United States, are placed equally at the disposal of both nations. Improvements in the river reaches between the Great Lakes have been made both by American and by Canadian money and labor. The New Welland Canal now building across the Niagara Isthmus will represent an expenditure by Canada of \$115,000,000 and its use by Americans on the same terms as by Canadians is guaranteed by treaty. The existing St. Lawrence Canals now working to capacity, carry Canadian and American commerce, on equal terms as under the treaty of 1871 the citizens of the United States and Canada have equal navigation rights in that river. What remains to be done in order to make the navigation channel from the head of the lakes to the Atlantic ocean one unit extending the head of navigation from Montreal westward to the ports of all the Great Lakes, is simply to complete the 25 miles of necessary St. Lawrence River improvement above Montreal.

Such action, either jointly with Canada or on the part of Canada alone, is inevitable. If we follow a narrow and selfish course and at an exorbitant cost build the so-called "All-American" route, Canada in self-defense will be forced to finish the St. Lawrence route and that route, being the more direct and less obstructed, the route better adapted to navigation purposes, will inevitably pull the major portion of the commerce of the interior, both export and import, to it exactly as the St. Lawrence canals of today secure the major portion of mid-western business in competition with the New York Barge Canal traversing the same route as that proposed for the "All-American" substitute for the St. Lawrence.

It is the premise of the proponents that the New York ship canal will greatly benefit New England. As already shown, such a canal would have several times the amount of restricted navigation as the St. Lawrence route and

Con—continued

HON. ALFRED E. SMITH—continued

To my way of thinking, the advantages of the American route are so evident that only a few arguments are necessary to convince anyone not having some personal advantage to gain through the Canadian route that the American route is the one for this country, at least, to build.

To say that a ship canal to the Lakes would be an aid to our national defense in time of war is to state a fact as obvious as that rations are needed for troops. The Secretary of War stated:

"In the event of a great war the transportation of the agricultural products and raw material of the Middle West to the Atlantic seaboard and to the thickly populated industrial areas of the Eastern and New England States would impose a great burden on the railroads. The probable resulting congestion could be relieved by the further development of the waterways connecting the Great Lakes with the Hudson River."

And the Secretary of the Navy said:

"I am of the opinion that the proposed all-American deeper waterway, connecting the Hudson River with the Great Lakes, would be a very important addition to the transportation system of the country and would be, therefore, an important asset to the national defense."

I am convinced that a ship canal from Lakes to sea has become a necessity to the commercial needs of our country; that it will some day be built is inevitable; that the promise of both our major parties should be kept; that the time to fulfill that promise is now; that the route of the American canal, following the long-established line of traffic, is the best one to build; and that an American canal is the only one for which American capital should be spent.—*Extracts, see 10, p. 35.*

FREDERICK STUART GREENE

Superintendent Public Works, New York State

THE NEW YORK STATE BARGE CANAL is such an important transportation factor in this country that, whether or not it is a failure, it should be continued. And the taxpayers of New York State should continue to bear these costs until this Nation is awakened to the fact that a condition exists which threatens American Commerce; that a remedy is vitally urgent, and that the remedy lies in converting the Barge Canal into a Ship Canal.

That the Great Lakes, at no distant date, must be connected with the Atlantic by a Ship Canal is inevitable. The bickering, which began as far back as 1812, between New York and some of the Lake States, as to whether the St. Lawrence or an American Canal should be built, was, and is, a futile waste of energy. The ever growing Lake commerce and the increasing population of Northwest Canada, may eventually demand both canals. But it is hard to understand why the United States should not leave the Canadian Canal to be constructed by that country and devote its own resources to building the better American Waterway from Lake Ontario to the Hudson River.

During all the arguments for and against a ship canal to the Lakes, the opponents have stressed the point that ocean vessels will not make the inland journey to the Lakes; that, should they do so, they could not there compete with the cheaper built lake carriers. So far as the

Pro—continued

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSN.—cont'd
to repeat, there is grave doubt as to whether it would be attractive to deep draft vessels at all. If lake vessels were able to proceed through such a canal, it is very clear that New York would be their eastern terminus and likewise, intercoastal vessels from the Pacific coast would reach the Great Lakes via the port of New York and Hudson River, ignoring completely the New England ports. Therefore, instead of improving the situation, such a canal would effectually isolate New England, New York would be nearer the Great Lakes than Boston and Portland, Me., and there would be little or no business moving to the latter ports. By way of the St. Lawrence, however, the reverse is true. The New England ports would be the nearest seaports to the Great Lakes and the lower rates which they would undoubtedly secure would improve their economic position materially. The St. Lawrence route is the one and only real opportunity which will place New England in a favorable competitive position—the New York ship canal route would hurry and eventually complete the commercial isolation of New England.

Under these conditions we would be building, at enormous national expense, an "All-American" route (that would not be "All-American" in any sense) that would serve only one purpose—that of a blind, egotistic patriotism which would tend to separate us, rather than bring us closer to Canada in the bonds of business and of friendship.

EDGAR JADWIN

Major General, Chief of Engineers

THERE REMAINS the question of national defense, consideration of which appears to devolve on the board of engineers under the provisions of section 2(e) of the river and harbor act of July 25, 1912. It is unquestionably true that every additional transportation facility will be helpful in a war of magnitude; and from the military as well as from the commercial viewpoint, there are advantages in having the proposed waterway within the Nation's boundaries, thereby eliminating the necessity of international negotiations and agreements in its construction and operation. But it is evident that in this as in the economic sphere the necessity arises of evaluating these advantages and of deciding how much money the United States is justified in expending here to provide improved navigation facilities for defense purposes.

The possibility of war with Canada is so remote that the board would not feel warranted in giving serious consideration to this phase of the subject were it not that it was several times brought up. It seems, however, sufficient to state that the United States has not found it either necessary or desirable to organize any frontier defense along the Canadian border in over 100 years. The board does not believe that the expenditure of any material sum would now be justified to secure this particular waterway because of its defensive advantage in case of war with Canada.

The practical question is that of a war in which Canada would be not an enemy but a neutral. In such an event the military significance of a channel wholly in the United States turns on what vessels, freight, and per-

Con—continued

FREDERICK STUART GREENE—continued

necessity for a ship canal is concerned, it makes no difference whether or not ocean steamers go to the Lakes.

When the upper Hudson is deepened and a ship canal is built to Lake Ontario, Albany will become the American junction point for fresh and salt water freight. And judging from the history of Montreal, it is reasonable to assume that the port of Albany would not only keep pace with Montreal but would rapidly catch up with and surpass the Canadian port. This prediction is based on the advantages of the American Route.

Because of the magnitude of such a project, and as the great bulk of canal business is now and will continue to be interstate, such a Ship Canal is rightfully a National undertaking. The State of New York should—not selfishly—but in the interest of the whole country, do everything in its power to bring about the building of this canal by the Federal Government.—*Extracts, see 12, p. 35.*

EMMET J. McCORMACK

*Moore & McCormack Co., Inc., N. Y. City
Steamship Operators*

ANOTHER angle of vital importance relative to the merits of waterways is that in connection with an all-American waterway we could expand the coastwise protection to American shipping by several thousand miles, thereby giving employment to the thousand or more American steamers now in possession of the Government and unemployed. We could effect such regulations in the operation of the canal which would give the American vessels a preference and profitable employment, thereby relieving the necessity of the Shipping Board asking for appropriations from year to year for the maintenance and upkeep of this unemployed fleet. The disposition of the laid-up fleet is a very vexatious problem confronting the Shipping Board today.

If, however, the St. Lawrence outlet were selected and Canada was permitted to contribute in territory as well as finance in its construction, Canada would naturally expect to participate in all the benefits accruing from this waterway. The chief benefits, as I see them, would be:

The carriage of commerce from the large centers on the Great Lakes which are all American ports to the large coast cities in the East and South.

Domestic traffic—guessing at it—would be a hundred times what the export traffic would be.

Under our coastwise laws Canada would not be permitted to operate Canadian vessels from American lake ports to American coastwise ports, and no doubt you would find immediate agitation on the part of the Canadians for a repeal of the coastwise laws in order to permit Canada to participate equally in the benefits accruing from an international waterway itself. I fail to see how we could deny Canada the right under circumstances where she would participate in finance and territory.

We will probably be confronted with treaties such as developed with Great Britain in the construction and control of the Panama Canal which have restricted us from favoring American tonnage, notwithstanding the fact that we financed entirely the Panama Canal and were to maintain it at the expense of the taxpayers of the country.

We are familiar with the legislation suggested from time to time effecting tolls in the Panama Canal, which

Pro—continued

EDGAR JADWIN—continued

sonnel could be moved on it, which Canada under international law and treaty obligations, could or would bar from Canadian waters. The board submits no final opinion on this point. It invites attention, however, to the provisions of the "boundary waters" treaty of 1909, and previous treaties; to the fact that the connecting channels between Lakes Erie and Huron and Lakes Huron and Superior are in several places wholly in Canadian waters, as in others they are wholly in American waters; and to the fact that so far as is known to the board no American waterways or harbors on the Great Lakes or channels connected therewith were denied to allied merchant ships, even those carrying war supplies to the theater of operations, in the early part of the World War, or in other wars, when the United States was neutral—and similarly with American vessels and Canadian channels in our war with Spain when Canada was neutral.

The board therefore believes that the military advantages of the proposed waterway are not sufficient greatly to affect its recommendations in a case involving hundreds of millions of dollars.—*Extracts, see 8, p. 35.*

HON. FRANK H. KEEFER

*Former Parliamentary Secretary of External Affairs,
Dominion of Canada*

IN THE INTERVIEW given by Premier Taschereau opposing the St. Lawrence improvement—he gives four reasons for his position. Not one of the four reasons is well founded.

First, he says he is opposed because it would mean joint control between the United States and Canada of what is wholly a Canadian waterway. Both points are wrong. The United States, by treaty of 1871, as well as after and before that date, have perpetual rights to usage of the St. Lawrence which lies wholly within the Canadian boundaries. This was given in exchange for similar rights in Pacific Coast streams in the Yukon.

By granting such reciprocal rights neither nation gave to the other any joint control of the waterways within their territory. Again, neither is the St. Lawrence, under this treaty, a Canadian waterway. It is a joint waterway for usage by both countries, just as the canals in the Welland, Lake St. Clair, at the "Soo" and the St. Lawrence canals are for the joint usage of both countries.

His second reason is that it is not purely a navigation proposition. "What the Americans have in mind is the development of power," says Mr. Taschereau. The Prime Minister seems to forget all the testimony given before the International Joint Commission by the interior States of the United States and Canadian Provinces demanding relief from their difficulties of navigation. The eighteen interior states of the United States are chiefly interested in the navigation element of the project. The power can never reach them, but what they do want is to economically get their products out to the markets of the world at the cheapest possible freight rate.

In the same paragraph he says he is opposed to the exportation of power. In Canada the exportation of power would not be affected either before or after the improvement, and it is quite a herring drawn across the trail to try and drag in the exportation of power.

His third reason is that the St. Lawrence scheme would hurt very much the port of Montreal. This also is not correct. It would benefit the port of Montreal. She

Continued on next page

Con—continued

EMMET J. MCCORMACK—continued

legislation has been deemed in violation of the Hay-Pauncefote treaty. We are familiar with the attempt to favor American tonnage between American ports on the east coast of the Atlantic and the west coast of the Pacific, from which foreign tonnage was excluded, but notwithstanding this, Canada through diplomatic channels has objected to the preference which we consider purely domestic and in no matter or form discriminating against foreign tonnage.

Concluding, an international waterway will inevitably invite controversies, alleged discriminations by both sides, and may eventually destroy that splendid peaceful, and neighborly situation which we have enjoyed so long with our Canadian neighbors.—*Extracts, see 7, p. 35.*

HON. S. L. A. TASCHERAU

Premier of Quebec, Canada

ONE OF THE REASONS I do not approve of the St. Lawrence plan is that since my government prohibited the export of power, industries have come into our province, and for every mill that is opened here a mill shuts down in the United States. The St. Lawrence plan would mean the export of power to the United States and those plants would flourish there instead of in Canada.

I am opposed for four reasons:

(1) It would mean joint control by Canada and the United States of what is after all a Canadian waterway.

(2) It is not purely a navigation proposition. What the Americans have in mind is the development of the power. I am opposed to the exportation of power and I believe the Province of Ontario agrees with us in this respect.

(3) The information of our experts is that the St. Lawrence scheme would hurt very much the port of Montreal.

(4) Canada, with the heavy financing burden she is carrying already, cannot enter into such an adventure which would mean a heavy outlay.

We have no objection whatever that the power go to our sister Province of Ontario. The St. Lawrence is a Canadian waterway. Our experts say Montreal would be injured. The interests of Montreal must be supreme, for Montreal is Canada's greatest port, and, after all, charity begins at home. Mr. Hoover's joint financing scheme would mean joint control. Canada should look very deeply into the question as to whether she is prepared to see international or joint control over her great waterways. It would have a very far-reaching effect. The people of Toronto and Ontario must not look at our attitude as a hostile one for after the immense amount spent on the port of Montreal, it would be a very bad thing to enter into any scheme that would defeat what our public men had in sight during the last 150 years in the development of Montreal. Montreal is not only an asset to this province, but to all of Canada. During the past year Montreal has been the biggest grain handling port in the world.

Whether Canada would be willing to enter into negotiations with the U. S. as to the development of power and navigation is a federal matter and must be dealt with by Ottawa. I do not think it would be done without our consent, and in order to give that consent we would require to know what the plan is. We are in favor of anything that will help to develop Canada.

Continued on next page

Pro—continued

HON. FRANK H. KEEFER—continued

would then sit on the two seas—the salt and the fresh waterways—instead of sitting on only one as today. Consider the history of Singapore, its marvelous growth because of its strategic position at the cross-roads of maritime traffic to the East. So would it be with Montreal.

In his fourth reason he says "Canada would not enter into such an adventure which would mean a heavy outlay." Canada is today building the Welland Canal at a cost of \$114,000,000. The International Joint Commission has recommended that the cost of the Welland Canal be credited as part of the whole scheme of the improvement of the St. Lawrence.

The report of the U. S.-St. Lawrence Commission indicates that the cost of the entire improved canal, if built contemporaneously with the waterpower development on the International section and in which only the United States is interested as to power, will not exceed \$123,000,000. One-half of this \$123,000,000, or \$61,500,000, would be Canada's share in the cost. If Canada gets credit for half of the cost of the New Welland Canal, or \$57,000,000 and this be deducted from the half of the \$123,000,000, would leave only the difference for Canada to provide, namely, \$4,500,000.

Premier Taschereau says: "The chief objections come from the whole of the population of Montreal." Is Montreal the whole of Canada? Such is the argument of New York City and yet this scheme is considered most advisable, not only for New York City, but for the whole United States and so likewise would it be for the Canadian public. Nothing would bring more prosperity to the Maritime Provinces, which today are shut off from the trade and intercourse, either by the costly railroad rates or by blockage in the water route, if they could have this improvement and trade freely with the enormous business to be done in the interior of the continent. Nothing would so relieve the Canadian northwest of its heavy burden in high freight rates. Such was the situation for the Pacific Coast prior to the building of the Panama Canal. Why not likewise relieve the middle of the continent by bringing deep water navigation into the very heart thereof.

EDITORIAL, CHRISTIAN SCIENCE MONITOR

WITH APPARENT finality and conclusiveness, the American commission,* headed by Herbert Hoover, Secretary of Commerce, has reported that it finds the proposed Great Lakes-to-the Atlantic waterway, by way of the St. Lawrence River, to be not only the most economical and feasible of any of the proposed outlets, but an imperative need, both for the relief and for the future development of a vast area in the interior of the continent. Though the outlay will be large, it is shown that it will be far below the sum which would be required to make any other proposed route available. The comparative figures are best understood when it is shown that the estimated toll cost per ton necessary to cover operating expenses of the St. Lawrence project will be 43 cents, whereas \$2.06 would be the toll cost per ton on the so-called all-American route, and \$1.64 on the suggested Ontario-to-Hudson route.

As a basis for its recommendations urging the construction of the waterway, the commission refers to the fact that when in operation it will tend materially to lessen the

*The U. S. St. Lawrence Commission established March 14, 1924.
See p. 11.

Continued on page 31

Con—continued

HON. S. L. A. TASCHERAU—continued

We have no objection where there is joint ownership to discuss the terms of the agreement. The United States cannot develop the power without us and we cannot develop it without them.

I am not aware that the chief opposition to the St. Lawrence waterway comes from the Montreal power group who it is said desire to handle it themselves at a later date. The chief objection comes from the whole of the population of Montreal. It is the fixed policy of my government to oppose the export of power; make the users of the power build up their industries in Canada if they base it on Canadian power, and the policy is very successful.

The St. Lawrence is a Canadian waterway and its control must be kept in Canada. The United States would not let us secure control of the Mississippi or the Hudson, and if they provide capital for the St. Lawrence they would not be satisfied unless they had some control of the St. Lawrence. So far as Quebec is concerned, we are opposed to any control but that of Canada, and Canada has too many debts just now to provide the capital herself.—*Extracts, see 11, p. 35.*

EDITORIAL, WASHINGTON HERALD

WHICH would be a better investment for the American people—a British-Canadian ship canal or an All-American ship canal? Which would be the better bargain for the American people—a ship canal in British-Canadian territory at a cost of two hundred million in American money, or a ship canal on American soil at a cost of five hundred million in American money?

The difference in cost is estimated at three hundred million. Therefore the friends of the British-Canadian waterway make the appeal for the less expensive project. Why is a ship canal from the ocean to the lakes desired? To enlarge the business, extend the commerce and uphold the welfare of the people of the United States? Would that business, commerce and welfare be served if the deep sea traffic of the world were to be brought to the doors of fifteen million Americans? It would. Would that business, commerce and welfare be served if the deep sea traffic of the world were to be brought to the doors of two or two and a half million people outside of the United States and on a foreign soil? It would not.

Along the route of such a ship canal the American people would get no benefit at all for their two hundred millions. The whole benefit would go to others. If that would be a cheap bargain what from a business standpoint would be a dear one? A good bargain in business, in a nation's business, does not consist in paying out the least possible amount of money. It consists in getting the greatest value for the amount of money paid out, whether that amount be large or small. A British-Canadian canal would be dearly bought if only one hundred million of American money would be spent. An All-American canal would be cheap, by comparison even though it cost three hundred millions more than a waterway in foreign soil. Three hundred millions is a vast sum even for the people of the United States. Yet year by year such vast sums have been spent by the American people for other nations than our own. In the last two years nearly three hundred millions of American money has been lent to France, Belgium and Italy alone for the

Continued on page 31

The Sixty-ninth Congress

Duration of the 69th Congress, March 4, 1925-March 4, 1927

First, or "Long" Session, Convened December 7, 1925, Adjourned July 3, 1926

Second, or "Short" Session, Convened December 8, 1926, Will Expire March 4, 1927

In the Senate

96 Members*

52 Republicans; 42 Democrats; 1 Farmer-Labor

Presiding Officer:

President: Charles G. Dawes, Vice-President

Floor Leaders:

Majority Leader:

Charles Curtis, Kans., R.

Minority Leader:

Joseph T. Robinson, Ark., D.

In the House

435 Members*

247 Republicans; 182 Democrats; 3 Farmer-Labor;
2 Socialists

Presiding Officer:

Speaker: Nicholas Longworth, Ohio, R.

Floor Leaders:

Majority Leader:

John Q. Tilson, Conn., R.

Minority Leader:

Finnis J. Garrett, Tenn., D.

Action Taken on President's Recommendations to Congress

For the Period December 6, 1926, to January 26, 1927

The President's recommendations for legislative action contained in his annual message of December 8, 1925, to the 69th Congress, were printed in the December, 1925, number of THE CONGRESSIONAL DIGEST, p. 327, and his recommendations to the second session were printed in the December, 1926, number, p. 327. The bills cited below embody the President's recommendations in whole or in part, but have not been specifically endorsed by the President unless indicated. Action taken on subsequent important executive messages to Congress, is also included. The following report includes only those recommendations on which Congress has acted during the period designated above. Action on these recommendations is reported in this Department month by month.

Appropriations

The Treasury and Post Office Departments appropriation bill (H. R. 14557) has passed the Senate and the House and was sent to conference on Jan. 14. The conference report was agreed to in the Senate on Jan. 20 and in the House on the following day.

The Interior Department appropriation bill (H. R. 14827) was approved by the President on Jan. 12. (Public Law No. 541.) It carries an appropriation of \$260,305,020.

The Agricultural Department appropriation bill (H. R. 15008) was approved by the President on Jan. 18. (Public Law No. 552.) It carries an appropriation of \$128,511,739.

The Navy Department appropriation bill (H. R. 15641) passed the House on Jan. 7, and was reported in the Senate on Jan. 17.

The Independent Offices appropriation bill (H. R. 15959) passed the House on Jan. 14, passed the Senate on Jan. 18 and was sent to conference.

The War Department appropriation bill (H. R. 16249) passed the House on Jan. 20.

The First Deficiency appropriation bill (H. R. 16462), fiscal year 1927, was reported in the House on Jan. 19, and committed to the Committee of the Whole House.

Alien Property

Dec. 18—The House passed H. R. 15009, as amended, "The Settlement of War Claims Act of 1927." The bill was referred in the Senate to the Finance Committee which held further executive hearings on the measure and where it is still pending. (See Congressional Digest for December, 1926.)

Agriculture

Jan. 18—The Senate Agricultural Committee reported out favorably (S. Rept. No. 1268) the bill S. 4974, to

amend the "cotton futures act," introduced by Mr. Ransdell, La., D.

Many measures have been introduced in the Senate and House on the general problem of farm relief. Both the Senate and House Agricultural Committees have held hearings this session on a number of these bills but no action has as yet been taken pending the consideration of the McNary-Haugen Agricultural Surplus Control Bill, (H. R. 15474) (S. 4808). The McNary-Haugen bill was reported to the Senate on Jan. 22, and to the House on Jan. 18.

Banking

Jan. 19—Mr. McFadden submitted to conference report to the House on the McFadden National Bank bill (H. R. 2). The conferees were unable to agree. (See Congressional Digest, March, 1926.)

The Capital City

Dec. 10—Mr. Smoot, Utah, R., from the Committee on Public Buildings and Grounds reported S. 4663 authorizing the acquisition of certain lands within the District of Columbia to be used as sites for public buildings. The bill passed the Senate on Dec. 15 and was referred in the House to the Committee on Public Buildings and Grounds on Dec. 16.

Civil Service

Jan. 18—Mr. Dale, Vt., R., submitted S. J. Res. 147 creating a commission to investigate the subject of civil service retirement, which was referred to the Committee on Civil Service.

Coal

Dec. 9—Mr. Parker, N. Y., R., introduced a bill (H. R. 14684) empowering the President to declare a coal emergency and protect the public from coal shortages. The bill was referred to the Committee on Interstate and Foreign Commerce but has not yet been reported out.

Foreign Relations

Dec. 11—Mr. Black, N. Y., D., introduced H. Res. 328 to recognize the Canton government as the government of the Chinese Republic, which was referred to the Committee on Foreign Affairs.

Jan. 4—Mr. Porter, Pa., R., introduced H. Con. Res. 45 requesting the President to enter into negotiations with the Republic of China for the purpose of placing the treaties relating to Chinese tariff autonomy, extra territoriality, and other matters, if any, in controversy between the Republic of China and the United States of America upon an equal and reciprocal basis, which was referred to the Committee on Foreign Affairs.

Jan. 4—Mr. Fairchild, N. Y., R., introduced H. Res. 357 upholding the President in maintaining the rights of the United States and its citizens in Mexico and Nicaragua and in observing treaty obligations to the Nicaraguan Government recognized by the Government of the United States, which was referred to the Committee on Foreign Affairs.

Jan. 7—A message to Congress from the President recommending an appropriation of \$75,000 for American participation in the forthcoming activities of the Preparatory Commission for the Disarmament Conference was referred to the Committee on Foreign Relations.

Jan. 10—The Message of the President to the two Houses of Congress outlining the policy of the Administration in regard to the Nicaraguan situation was read and referred to the Senate Committee on Foreign Affairs. The committee subsequently held executive hearings on the Mexican and Nicaraguan situation.

Immigration

Dec. 9—Mr. Dickstein, N. Y., D., introduced the following bills which were referred to the Committee on Immigration and Naturalization: H. R. 13469, to exempt from the quota wives and children under 18 of declarants of citizenship; H. R. 13470, to exempt from the quota husbands, fathers and mothers of U. S. citizens and their children under 21.

Dec. 14—The Senate passed the bill (H. R. 6238) amending the Immigration Act of 1924, as amended. The bill was referred to the House Committee on Immigration and Naturalization on Dec. 15.

Insular Possessions

Jan. 3—A message from the President transmitting the report of Carmi A. Thompson on conditions in the Philippines (S. Doc. 180) was read.

Jan. 13—Mr. Underhill, Mass., R., introduced a bill (H. R. 16254) to amend the act to provide a more autonomous government for the Philippine Islands, which was referred to the Committee on Insular Affairs.

Judiciary

Dec. 9—The bill S. 2858 to fix salaries of certain Judges of the United States was made a special order and passed the House. It was approved by the President on Dec. 13. (Public Law No. 528.)

Dec. 15—Mr. Graham, Pa., R., introduced H. R. 15213 to amend the act relative to pay of resigned Judges, which was referred to the Committee on the Judiciary.

Muscle Shoals

Jan. 17—Mr. Ernst, Ky., R., introduced a bill, S. 5319, to provide for the preservation, completion, etc., of the U. S. Muscle Shoals project for war, navigation, fertilizer manufacture, electric power production and other purposes and in connection therewith, the incorporation of the Federated Fertilizer Corporation and the lease to it

of said project, which was referred to the Committee on Agriculture and Forestry. A similar house bill (H. R. 16396) was introduced the same day by Mr. Reese, Tenn., R., and was referred to the Committee on Military Affairs. The Committee held hearings on this bill on Jan. 25.

National Defense

Jan. 7—An amendment was introduced by Mr. Tilson, Conn., R., to the Navy appropriation bill (H. R. 15641) providing for an appropriation for three additional cruisers. By a vote of 137 to 135 the amendment was rejected and the President sustained in his recommendation that no additional cruisers should be authorized this year.

Prohibition

Dec. 11—The bill (H. R. 10729) providing in part to create a bureau of prohibition in the Treasury department was recommitted to the Senate Committee on Finance. On Dec. 17 the bill was reported back favorably by Mr. Smoot, Utah, R., from the Committee on Finance (S. Rept. 1198) and was put on the calendar.

Radio Legislation

Dec. 8—The President approved S. J. Res. 125 limiting the time for which licenses for radio transmission may be granted. (Public Res. No. 47.)

The bill (H. R. 9971, White, Me. R.) to regulate radio communication was passed by the House and Senate and sent to conference on July 2. The conference committee has not as yet made its report.

Railroads

Jan. 25—The Senate Committee on Interstate and Foreign Commerce is holding hearings on S. 4892, a bill introduced on Dec. 17 by Mr. Fess, Ohio, R., for the consolidation of railroads. The House Committee on Interstate and Foreign Commerce is holding hearings on similar House measures.

Reclamation

Dec. 22—The House Committee on Irrigation and Reclamation reported out favorably H. R. 9826 to provide for the development of the lower Colorado River Basin, with amendment (H. Rept. 1657) and was referred to the Committee of the Whole House. The minority views of the committee were submitted by Mr. Hayden, Ariz., D., on Jan. 12.

Veterans

Jan. 3—Mr. Johnson, S. D., R., introduced H. R. 15663 providing for a \$16,000,000 hospitalization programme, which was referred to the Committee on World War Veteran's legislation. The Committee is holding hearings on the bill.

Waterway Development

Dec. 21—The bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, carrying an appropriation for the purchase of the Cape Cod Canal, was passed, as amended, by the Senate. Conference report agreed to in the House on Jan. 13 and in the Senate on Jan. 14.

Jan. 3—The report of the U. S. St. Lawrence Commission submitted to the President was presented to Congress and referred to the Senate Committee on Commerce. (S. Doc. No. 183).

Jan. 4—Mr. Shipstead, Minn., F. L., submitted S. Res. 312 requesting the President to enter into negotiations with Great Britain for joint construction by the United States and Canada of a shipway from the Great Lakes to the sea on the St. Lawrence route. The resolution was referred to the Committee on Foreign Relations.

Congress Day by Day

A Daily Record of Proceedings on the Floor of the Senate and House

For the Period December 20, 1926-January 15, 1927

Monday, December 20, 1926

SENATE:

Resumed consideration of the purchase of Cape Cod Canal provision of the rivers and harbors bill (H. R. 11616). Agreed to an amendment proposed by Mr. Reed, Mo., D., Modifying a project on the Mississippi River.

Mr. Harrison, Miss., D., addressed the Senate on federal reduction of taxes.

Mr. Heflin, Ala., D., spoke on the acquittal of Fall and Doheny.

Agreed to order submitted by Mr. Fess, Ohio, R., to print the proceedings in the Senate in connection with the trial of Judge Geo. W. English (S. Doc. No. 177).

Mr. Johnson, Calif., R., addressed the Senate on the direct primary.

Executive session was held.

Recess was taken.

HOUSE:

Mr. Tilson, Conn., R., and Mr. Garrett, Tenn., D., addressed the House on the occasion of the 75th birthday of the Hon. Theo. E. Burton, Ohio, R. Mr. Burton acknowledged the congratulations.

Mr. MacGregor, N. Y., R., spoke on the death of John R. Weber, former Representative from New York.

Bills on the Consent Calendar were considered and a number passed.

Mr. Luce, Mass., R., moved to suspend rules and pass the bill (S. 4153) to provide for enlarging and relocating the U. S. Botanic Garden. The bill was passed by a vote of 221 to 55.

Considered the Agricultural Department appropriation bill (H. R. 15008). Agreed to some amendments but no final action was taken.

Adjourned.

Tuesday, December 21, 1926

SENATE:

Resumed consideration of the rivers and harbors bill (H. R. 11616).

Recommitted to the Committee on the Judiciary H. R. 10821 for the appointment of certain additional judges.

Concurred in House amendments to S. 3728, a fish and game bill. Concurred in House amendments to S. 3615 for the relief of certain Spanish-American War soldiers. Concurred in House amendments to S. 4153 enlarging the U. S. Botanic Gardens.

Resumed consideration of H. R. 11616, river and harbor bill. Mr. Sheppard, Texas, D., spoke on the proposed purchase of the Cape Cod Canal. Mr. Lenroot, Wis., R., spoke against the purchase of the Cape Cod Canal and was followed by Mr. Walsh, Mass., D., who favored the purchase. Mr. Howell, Nebr., R., spoke at length, offering two amendments which were rejected. Mr. Pittman, Nevada, D., also proposed an amendment.

Several amendments proposed by Mr. Jones, Wash., R., were agreed to as well as committee amendments. Numerous amendments affecting different sections of the country were proposed and several agreed to. The bill (H. R. 11616) as amended was passed by a vote of 57 to 9.

Considered H. R. 14827, interior department appropriation bill.

Executive session was held.

Adjourned.

HOUSE:

Considered and passed the agricultural department appropriation bill (H. R. 15008).

Mr. Black, N. Y., D., obtained unanimous consent to speak out of order on our relations with China.

Passed S. 4741 providing for the promotion of Lieut. Commander Richard E. Eyrd, U. S. N., retired, and awarding him the Congressional medal of honor.

Passed S. 4742 for the promotion and decoration of Floyd Bennett, Aviation Pilot.

Adjourned.

Wednesday, December 22, 1926

SENATE:

Mr. Ransdell, La., D., introduced a bill (S. 4974) to amend the act entitled "U. S. Cotton Futures Act" of August 11, 1916. The bill was referred to the Committee on Agriculture and Forestry.

Mr. Borah, Idaho, R., and Mr. Copeland, N. Y., D., each submitted an amendment to the alien property bill (H. R. 15009) which were referred to the Committee on Finance.

Mr. King, Utah, D., submitted a resolution (S. Res. 306) relating to the Lausanne Treaty, which was referred to the Committee on Foreign Relations.

Mr. Reed, Mo., D., on behalf of the special committee to investigate campaign expenditures submitted reports of investigations so far completed, for Pennsylvania, Oregon and Washington.

Mr. Reed, Pa., R., defended the nomination of Cyrus E. Wood.

Resolutions carried over from the previous day were in order.

Agreed to S. Res. 304 submitted by Mr. Norris, Nebr., R., authorizing the Federal Trade Commission to investigate the issuance of stock dividends of corporations.

Mr. Heflin, Ala., D., spoke on the Fall, Doheny case.

Resumed consideration of (H. R. 14827) the interior department appropriation bill. Several amendments were agreed to and the bill was passed.

Mr. Smoot, Utah, R., addressed the Senate on the Foreign Debt Settlement.

Executive session was held.

Adjourned under concurrent resolution of the two Houses, until Monday, January 3, 1927, at 12 o'clock meridian.

HOUSE:

Mr. Dempsey, N. Y., R., failed to obtain unanimous consent to consider H. R. 11616, the river and harbor bill.

Mr. Tilson, Conn., R., obtained unanimous consent for the House to stand at recess subject to call from the Speaker to receive the interior dept. appropriation bill which was to be passed in the Senate and send it to conference.

Recess expired at 4 o'clock p. m. The House was called to order by the Speaker. The message from the Senate was read stating that the bill H. R. 14827 (interior dept. appropriation bill) had passed. Under unanimous consent the Senate amendments were disagreed to and the bill sent to conference.

In accordance with the terms of a concurrent resolution, the House adjourned until January 3, 1927, at 12 o'clock, meridian.

Monday, January 3, 1927

Reconvened at 12 o'clock, January 3, 1927, as agreed under concurrent resolution of the two Houses for adjournment for the Christmas holidays.

Agreed to motion of Mr. Smoot, Utah, R., insisting on Senate amendments to the interior department appropriation bill, which were disagreed to by the House, and ordering the bill to conference.

The death of Henry A. du Pont, former Senator from Delaware was announced.

Agreed to S. Res. 296, as amended, providing funds for the hearings in the Maine senatorial investigation.

Mr. Cameron, Ariz., R., spoke briefly on the need for prompt action on the bill (S. 5031) as a measure toward the construction of a highway connecting the capitols of 19 countries.

Mr. Wheeler, Mont., D., submitted a resolution (S. Res. 309) for the withdrawal of American forces from Nicaragua, which was referred to the Committee on Foreign Relations.

Mr. Caraway, Ark., D., defended the treatment of the negro voters in the South in a speech commenting on an article carried by the Associated Press quoting from a speech by Mr. Reed, Pa., R.

Mr. Shipstead, Minn., F. L., addressed the Senate as a point of personal privilege correcting a statement in the

Philadelphia Public Ledger, January 3, 1927, denying that he was sponsoring any investigation of the Nicaraguan affair.

Mr. McNary, Ore., R., from the Committee on Appropriations reported the agricultural department appropriation bill with amendments (Report No. 1211) and gave notice that on Jan. 4 the bill would be called up for consideration.

Mr. Lenroot, Wis., R., demanded the regular order.

Mr. Edwards, N. J., D., launched a violent attack on the policy of poisoning alcohol and spoke on his proposed resolution, S. J. Res. 122, to repeal the 18th amendment. Mr. Sheppard, Texas., D., replied to Mr. Edwards' speech.

Agreed to conference report on interior department appropriation bill (H. R. 14827).

Mr. Johnson, Calif., R., assailed the status of the Navy as not being on a parity with that of Great Britain as is our right under the terms of the disarmament conference known as the 5-5-3 ratio. He urged the building of light cruisers, or destroyers.

Mr. Hale, Maine, R., replied to the speech of Mr. Johnson, disagreeing with him on his "gloomy picture of a vanishing American Navy," but concurred in the opinion that the Navy should be brought up to the 5-5-3 ratio.

Executive session was held.

Adjourned.

HOUSE:

Mr. French, Idaho, R., from the Committee on Appropriations reported H. R. 15641 (navy appropriation bill), which was referred to the Committee of the Whole House. Mr. Buchanan, Texas, D., reserved all points of order.

Mr. Celler, N. Y., addressed the House on the use of poison in alcohol.

Mr. Heesey, Maine, R., announced the death of Frank E. Guernsey, former Representative.

Bills on the Consent Calendar were considered and a number were passed.

Mr. Tilson, Conn., R., obtained unanimous consent to dispose with the business of Calendar Wednesday on January 5th in order to consider the Naval appropriation bill.

Eight bills authorizing the construction of bridges were called up by Mr. Denison, Ill., R., and were considered and passed.

Mr. Fish, N. Y., R., addressed the House on the refusal of banks to recognize certificates of veterans issued under the adjusted compensation bill.

Adjourned.

Tuesday, January 4, 1927

SENATE:

Mr. Walsh, Mass., D., spoke briefly on the radio situation and urged immediate action.

Mr. Fletcher, Fla., D., introduced S. J. Res. 140 providing a broad program for the merchant marine. The resolution was referred to the Committee on Commerce.

Mr. Reed, Pa., R., spoke briefly on restrictive immigration.

Agreed to S. Res. 311 by Mr. Edwards, N. J., D., calling on the Secretary of the Treasury for correspondence relative to use of poison in industrial alcohol.

Mr. McKellar, Tenn., D., spoke at length on the case of seating the Illinois Senator, Mr. Smith, citing precedents as reason for the Democratic opposition.

Amended and passed the agricultural appropriation bill (H. R. 15008).

An executive session was held.

Adjourned.

HOUSE:

Agreed to the conference report on the interior dept., appropriation bill (H. R. 14827).

Resumed debate on the Naval appropriation bill (H. R. 15641) but no final action was taken.

Mr. Stevenson, S. C., D., defended the South in regard to the negro voter and asserted that the South upheld the Constitution.

Mr. Ayres, Kans., D., made a speech in which he gave his reasons for disagreeing with the Budget recommendations for the reduction of the personnel of the Marine Corps.

Adjourned.

Wednesday, January 5, 1927

SENATE:

Passed the Tombigbee River Bridge bill (S. 4712) authorizing the construction of a bridge at Naheola, Alabama.

Agreed to motion of Mr. Sheppard, Texas, D., to consider the bill (H. R. 7555) authorizing an appropriation for two

years for carrying out the provisions of the Sheppard-Towner act entitled "An Act for the promotion of Welfare and Hygiene of Maternity and Infancy and for other purposes," approved November 23, 1921. The bill was debated until 2 o'clock, the hour agreed upon for the consideration of executive business, under unanimous-consent order of January 4th.

Executive session was held.

Adjourned.

HOUSE:

Resumed consideration and debate of the naval appropriation bill. Mr. French, Idaho, R., presented the letter from President Coolidge in which he declared that his stand on the Navy budget was unchanged. Mr. Britten, Ill., R., attacked the policy of the administration and urged the support of an adequate Navy. Mr. Oliver, Ala., D., called attention to the agreement of the Government not to fortify any bases west of Hawaii. He also defended the action of the sub-committee in not including an appropriation for the three cruisers as in conflict with the policy and plans for future limitation of armament of the President. He made a plea for a balanced fleet.

Mr. La Guardia, N. Y., Soc., was granted twenty minutes in which he made a speech charging prohibition enforcement officials with the responsibility for deaths from poison alcohol.

Mr. Coyle, Pa., R., spoke on the need of a balanced cruiser fleet and was replied to by Mr. Taber, N. Y., R.

Adjourned.

Thursday, January 6, 1927

SENATE:

Concurred in House Amendments to S. J. Res. 113 authorizing the selection of site for and erection of pedestal for Albert Gallatin Statue.

Agreed to House amendment to Interior Department appropriation bill (H. R. 14827) relating to Howard University.

Mr. Stewart, Iowa, R., from the Committee on Commerce, reported with amendments several bridge bills, three of which were passed with amendments.

Agreed to S. Res. 310 by Mr. King, Utah, D., directing the Secretary of the Treasury to transmit correspondence with German government concerning claims for German property seized during war.

Mr. Wheeler, Mont., D., urged investigation of charges against the Department of State on account of propaganda relating to the Mexican situation alleged to have emanated therefrom.

Considered the bill for the importation of milk (H. R. 11768) but no final action was taken.

Agreed to S. Res. 318 calling on the President to submit a report on the national origin of certain immigrants.

The bill (H. R. 7555) for the promotion of maternity and infant hygiene, as unfinished business, was before the Senate as in Committee of the Whole.

Executive session was held.

Adjourned.

HOUSE:

Mr. Wood, Ind., R., reported from the Committee on Appropriations, the executive offices appropriation bill (H. R. 15959), which was referred to the Committee of the Whole.

Mr. Fish, N. Y., R., addressed the House on the Roosevelt anniversary.

Continued debate on the naval appropriation bill (H. R. 15641). Passed by a vote of 132 to 69 the amendment proposed by Mr. Begg, Ohio, R., as amended by Mr. Oliver, Ala., D., appropriating \$200,000 for beginning work on a new dirigible at a total cost of \$4,500,000 to replace the Shenandoah. Rejected amendment of Mr. Vinson, Ga., D., proposing to increase item of \$8,412,000 for heavier-than-air craft to \$15,558,760 by a vote of 80 to 65. Rejected amendment of Mr. Vinson, Ga., D., to increase the item of \$8,412,000 to \$12,747,000 to provide 75 airplanes for carriers. No final action was taken on the bill.

Adjourned.

Friday, January 7, 1927

SENATE:

Agreed to Sen. Res. 320 by Mr. Copeland, N. Y., D., calling upon the Secretary of the Treasury to inform the Senate what plans, if any, the Federal Reserve Board has for making possible the carrying into effect section 502 of the adjusted compensation act (loan provision of bonus law).

Considered the bill (S. 3889) to amend the Interstate Commerce Act, as amended, in respect of tolls over certain interstate bridges.

Mr. Bruce, Md., D., addressed the Senate in favor of the French Spoliation Claims legislation. Mr. Howell, Nebr., R., spoke in opposition.

Mr. Means, Colo., R., in a speech on national preparedness and national defense, criticized the administration's policy of economy.

Discussed the bill (H. R. 7555) for the promotion of welfare and hygiene of maternity and infancy.

The agricultural department appropriation bill, H. R. 15008, was sent to conference.

Executive session was held.

Adjourned.

HOUSE:

Sent to conference the agricultural appropriation bill (H. R. 15008).

Mr. Romjue, Miss., D., spoke on the refusal of some banks to make loans on adjusted service certificates.

Resumed consideration of the naval appropriation bill (H. R. 15641) with Mr. Chindblom, Ill., R., in the chair. Mr. Longworth, Speaker of the House, made the point that "while under the treaty we owe an obligation to the nations participating in the treaty not to exceed the ratio provided, we owe an equally great obligation to the American people to see that we do not go below the ratio." Rejected by a vote of 137 to 135 the amendment of Mr. Tilson, Conn., R., providing for appropriation for beginning the three cruisers. After rejecting by a vote of 185 to 161 a motion of Mr. Britten, Ill., R., to recommit the bill, the naval appropriation bill was passed by the House.

Agreed to an order presented by Mr. Cooper, Wis., R., setting apart Sunday, February 20th, as a day for memorial services for the late Senator LaFollette.

Adjourned.

Saturday, January 8, 1927

SENATE:

Passed the bill (H. R. 13452) authorizing the construction of a railroad bridge across the Wabash River.

Mr. Heffin, Ala., D., spoke briefly on the volume of immigration and was replied to by Mr. Reed, Pa., R.

Mr. McKellar, Tenn., D., and Mr. Caraway, Ark., D., spoke on the situation arising from the refusal of some banks to make loans on insurance certificates of veterans, insisting that legislation should be enacted to relieve the situation.

Resumed consideration of the bill (H. R. 11768) to regulate the importation of milk into the United States.

Mr. Reed, Mo., D., addressed the Senate on the policy of the administration on foreign affairs.

Mr. Heffin, Ala., D., spoke on the Mexican situation.

Resumed consideration of the bill for importation of milk, Mr. Gillett, Mass., R., favoring its passage.

Mr. Wheeler, Mont., D., spoke in criticism of the administration's policy regarding Nicaragua.

Resumed consideration of the bill known as the Maternity and Infant Hygiene bill (H. R. 7555).

Sent to conference the River and Harbor bill (H. R. 11616).

Adjourned.

HOUSE:

Sent to conference the River and Harbor bill (H. R. 11616).

Passed S. 4562, a bill authorizing the construction of a bridge across the Monongahela River.

Agreed to motion of Mr. Zihlman, Md., R., that the House consider the bills reported by the Committee on the District of Columbia. Agreed to a motion to agree on the amendments and pass the following District bills: H. R. 10355, H. R. 15668, S. 4445, S. 2043. Passed, with amendment, the bill (H. R. 12110) amending the D. C. Code. Passed H. R. 12217, relating to the appointment of trustees and committees in D. C. Passed the bill (H. R. 12218) with amendment, amending the District of Columbia Code, limiting guardians to five cases.

Mr. Huddleston, Ala., D., addressed the House, criticizing the administration's policy regarding the Mexican situation. He was followed by Mr. Loxier, Md., D.

Passed the bill (H. R. 15649) providing for the eradication of the European corn borer.

Adjourned.

Monday, January 10, 1927

SENATE:

Agreed to motion of Mr. Harrison, Miss., D., to refer documents relating to the appointment of Cyrus E. Wood as a member of the Interstate Commerce Commission to the Committee on Interstate Commerce.

Mr. Bingham addressed the Senate in support of the administration's policy in Nicaragua in reply to an attack made on January 8th by Mr. Heffin, Ala., D., and Mr. Wheeler, Mont., D.

Passed several river bridge bills.

Executive session was held for ten minutes.

Mr. Copeland, N. Y., D., spoke in defense of the banks regarding their attitude toward making loans on soldier bonus certificates, but urged legislation for the relief of the situation.

Mr. Heffin, Ala., D., spoke in stinging criticism of the situation arising from the failure of the veterans to obtain loans on their insurance certificates.

Passed a bill (S. 4876) for the erection of a monument on Kill Devil Hill, N. C.

Resumed consideration of the bill (H. R. 7555) for the promotion of maternity and infant hygiene.

Mr. Reed spoke in condemnation of "under-cover" agents for the enforcement of prohibition. Mr. Bruce, Md., D., concurred in the views of Mr. Reed and spoke on the use of poison in alcohol.

Mr. Bingham, Conn., R., made a defense of American aviation officials.

Adjourned.

HOUSE:

Considered the independent offices appropriation bill (H. R. 15959), but no final action was taken.

Adjourned.

Tuesday, January 11, 1927

SENATE:

Agreed to S. Res. 324 as amended, authorizing the select committee to investigate expenditures in senatorial primary elections in Pennsylvania.

Passed four bridge bills.

Agreed to S. Res. 325 submitted January 10, 1927, by Mr. Reed, Mo., D., calling for information from the Secretary of the Treasury relative to activities and expenditures of "under-cover" agents.

Agreed to conference report on the agricultural appropriation bill (H. R. 15008).

Considered the bill (S. 3027) to provide for retirement for emergency officers injured over seas, until 2 o'clock, when the measure automatically went to calendar.

Resumed consideration of the bill (H. R. 7555) for the promotion of maternity and infant hygiene. The failure of an effort to reach a vote on the bill caused Mr. Sheppard, Texas, D., to make the statement that he would endeavor to keep the bill before the Senate to the exclusion of every thing except appropriation bills and the Lausanne treaty.

Executive session was held.

Adjourned.

HOUSE:

Mr. Magee, N. Y., R., presented a conference report and statement on the agricultural appropriation bill (H. R. 15008).

Resumed consideration of the independent offices appropriation bill (H. R. 15959).

Mr. Huddleston, Ala., D., continued his remarks of Saturday, the 8th, criticizing the administration's policy relating to Mexico and Nicaragua, charging that full facts had not been made known and that we were being driven into war with Mexico.

Mr. Newton, Minn., R., attacked the "2 per cent plan" of the administration's economy program.

Mr. Almon, Ala., D., addressed the House on a bill which he had introduced amending the adjusted compensation act so that veterans holding insurance certificates would be permitted to borrow direct from the veterans' bureau.

Mr. La Guardia, N. Y., Soc., spoke on the cost of war, using the situation set forth in Mr. Almon's speech as an example.

Resumed consideration of the independent offices appropriation bill.

Mr. Lozier, Mo., D., spoke in protest of the administration's policy with respect to the Latin-American countries.
Mr. Winter, Wyo., R., opposed the leasing of vast areas of land as recommended by Secretary Work.

No final action was taken on the independent offices appropriation bill (H. R. 15959).

Mr. Dempsey, N. Y., R., presented a conference report on the River and Harbor bill (H. R. 11616).
Adjourned.

Wednesday, January 12, 1927

SENATE:

Mr. Copeland, N. Y., D., urged the passage of a pending bill providing legislation regulating the coal industry.

Mr. Heflin, Ala., D., spoke on the oil lease cases.

Mr. Copeland urged legislation for the relief of veterans who had expected to obtain loans on their certificates.

Mr. Smith, S. C., D., spoke on the cotton situation in the South.

Passed the bill (S. 4740) authorizing the construction of a bridge across the Warrior river near Demopolis, Ala.

Agreed to resolution of Mr. Bingham (S. Res. 326) calling on the Secretary of Labor to furnish copies of plans now being carried out under authority of an act entitled "An Act for the promotion of welfare and hygiene of maternity and infancy and for other purposes."

Agreed to report on the agricultural department appropriation bill.

Recess was taken until 12 o'clock January 13th.

HOUSE:

Agreed to conference report on the agricultural department appropriation bill (H. R. 15008) carrying an appropriation of \$128,511,739.

Mr. Howell, Neb., D., addressed the House on the proposed joint reunion in Washington of the Grand Army of the Republic and the United Confederate Veterans.

Continued consideration of the independent offices appropriation bill (H. R. 15959). Discussion consumed the entire time, but no final action was taken.

Adjourned.

Thursday, January 13, 1927

SENATE:

Passed S. J. Res. 303 amending act to fix salaries of justices of U. S. Customs Court.

Passed the bill (H. R. 14236) authorizing the construction of a bridge across Red River near Boyce, La.

Resumed consideration of the bill (H. R. 7555) for the promotion of maternity and infant hygiene. Mr. Blease, S. C., D., concluded his speech begun the day before on states rights. Mr. Bruce, Md., D., opposed the bill as not conforming to the principles of the Federal Constitution.

Mr. Borah, Idaho, R., obtained the floor and discussed the Nicaraguan situation, criticizing the administration's policy. Mr. Lenroot, Wis., R., replied to Mr. Borah, defending the Coolidge policy and asserting that "under the Monroe Doctrine we owe a duty to protect the lives and property of the nationals of European countries or we must permit them to do so for themselves."

Again resumed consideration of the bill (S. 7555) known as the maternity and infant hygiene bill. Some amendments were agreed to and the bill as amended was passed.

The session continued until 8:25 P. M.

Adjourned.

HOUSE:

The conference report on the bill (H. R. 11616) River and Harbor bill was submitted.

The war department appropriation bill (H. R. 16249) was reported from the Committee on Appropriations by Mr. Barbour, Calif., R. Mr. Bland, Va., D., reserved all points of order.

Debate on the conference report on (H. R. 11616), the River and Harbor bill, consumed the entire time but in the end was agreed to by a vote of 277 to 82.

Adjourned.

Friday, January 14, 1927

SENATE:

Mr. Watson, Ind., R., from the Committee on Interstate Commerce reported that the Committee had investigated thoroughly the charges against Mr. Brookhart, Senator-elect, made by Mr. Steck, Ia., D., and found no facts to substantiate

the charges and suggested that no further action was necessary. The report went to the Calendar.

Agreed to the conference report on the rivers and harbors bill (H. R. 11616).

Considered the bill (H. R. 11768) regulating the importation of milk.

Mr. Dill spoke on the situation in Mexico and Nicaragua, criticizing the United States' actions.

Sent to conference the Treasury and Post Office Department appropriation bill (H. R. 14557).

Mr. Heflin spoke on the Mexican situation.

Mr. La Follette, Wis., R., characterized the situation in Nicaragua as unjustifiable and condemned the statement of Secretary Kellogg on the Mexican trouble.

Executive session was held.

Adjourned.

HOUSE:

Sent to conference the Treasury and Post Office Department appropriation bill (H. R. 14557).

Mr. Eaton, N. J., R., defended the policy of the administration in Nicaragua and Mexico and asserted that there was an effort to use the incident as a partisan issue.

Mr. Huddleston, Ala., D., ridiculed the statement of Secretary Kellogg, which had been defended by Mr. Eaton, regarding the Mexican situation.

Passed the bill (S. 3804) authorizing the construction of a bridge across the Columbia River between Washington and Oregon.

Amended and passed the independent offices appropriation bill (H. R. 15959).

Began general consideration of the War Department appropriation bill (H. R. 16249).

Adjourned.

SENATE: Saturday, January 15, 1927

Concurred in House amendment to the bill (S. 3804) authorizing the construction of a bridge over the Columbia River between Washington and Oregon.

Passed the bill (S. 5231) authorizing the sale of certain land at the margin of Rock Creek and Potomac Parkway in the District of Columbia.

Debate on the Nicaraguan and Mexican situations continued. Mr. Walsh, Mont., D., made a defense of the activities of the Knights of Columbus in Mexico, in answer to charges made previously by Mr. Heflin, Ala., D., and was replied to by Mr. Heflin.

A few calendar bills were considered under Rule V...

Agreed to motion of Mr. Lenroot, Wis., R., to consider the bill (H. R. 11768) regulating the importation of milk.

Mr. Gillett, Mass., R., presented facts in defense of the administration's policy in the Nicaraguan crisis.

Executive session was held.

Adjourned.

HOUSE:

Mr. McKeown, Okla., D., submitted a resolution (H. Res. 379) declaring the bill (H. R. 5218) entitled "An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians, proclaimed Oct. 14, 1868," public law, which bill was duly passed and presented to the President of the U. S. July 3, 1926, and which had not been returned with his objection in writing to the House of Representatives. A parliamentary debate took place and the resolution was referred to the Committee on the Judiciary.

Resumed consideration of the army appropriation bill (H. R. 16249). Mr. Barbour, Calif., R., explained measures of the bill and was followed by a speech by Mr. Harrison, Va., D.

Mr. Dickinson, Iowa, R., discussed farm relief, explaining the difference between the Haugen bill and the Crisp bill.

Mr. Moore, Va., D., criticized the administration's policy in Mexico and directed the brunt of his remarks at Secretary Kellogg.

Mrs. Kahn, Calif., R., spoke in support of the appropriation in the army bill for a strength of 118,750.

Mr. Lankford, Ga., D., addressed the House on farm relief, submitting a digest of the McNary-Haugen bill, the Aswell bill, the Curtis bill, the Lankford bill and giving reasons for support of a Federal cotton corporation.

Continued debate on the army appropriation bill but no final action was taken.

Adjourned.

The White House

EDITOR'S NOTE: In the October, 1925, number, *THE CONGRESSIONAL DIGEST* inaugurated a new department. This department will report each month the outstanding public matters which have had the attention of the President during the preceding month. Such public matters will include appointments made by the President, addresses delivered by the President, executive orders, and proclamations issued by the President, etc. In the January, 1924, number of *THE CONGRESSIONAL DIGEST*, the Hon. Wm. Tyler Page, Clerk of the House of Representatives, U. S. Congress, fully described the position of the Executive under the Constitution. The July-August, 1924, number of *THE CONGRESSIONAL DIGEST* was devoted to a detailed account of the early and present system of election of the President, together with an article on the Powers and Duties of the President under the Constitution.

The President's Calendar

For the Period December 20, 1926 to January 19, 1927

Executive Orders

January 6—An executive order setting aside certain public lands near Cauayan, Isabela Province, Island of Luzon, for military purposes (landing field for airplanes).

January 13—An executive order consolidating the 1st and 4th districts of Michigan to be known as the District of Michigan.

January 14—An executive order excluding 6616 acres in Arizona from the Prescott National Forest and restoring the unwithdrawn public lands therein subject to the preference accorded ex-service men.

January 19—An executive order amending Schedule A so as to permit payment of as much as \$1,200 per annum to part time physicians in Indian Service instead of a maximum of \$1,000 per annum, as at present.

Proclamations

January 11—A proclamation designating the period January 31 to February 7, 1927, as a time during which special effort should be made to inform all veterans of the World War of the right they have to reinstate lapsed war risk life insurance.

January 13—A proclamation of the convention for the protection of commercial, industrial and agricultural trademarks and commercial names, concluded and signed at Santiago, Chile, April 28, 1923, signed January 13, 1927.

January 13—A proclamation of convention providing for the publicity of customs documents.

January 13—A proclamation of the Treaty to avoid or prevent conflicts between the American States, concluded and signed at Santiago, Chile, May 3, 1923, signed January 13, 1927.

Pro—continued from page 24

EDITORIAL, CHRISTIAN SCIENCE MONITOR

economic handicaps of adverse transportation costs in a vast area of the country.

The interesting fact is mentioned that the natural transportation disadvantages of the section described have been considerably increased by the building of the Panama Canal. This, coupled with the unavoidable increase in railroad freight rates since the war, is found to have shifted greatly the economic position of the midcontinent, to the detriment of that area. Altogether the document constitutes an apparently unanswerable argument in support of the St. Lawrence project. To the layman, as well as to the student economist, it must seem that the advantages enumerated all but close the case. There would seem to be no course left open but to proceed, with deliberation and determination, in the effort to bring into realization an undertaking which has everything in its favor and against which no convincing objection has been raised.—*Extracts, Jan. 13, 1927.*

Addresses

December 29, 1926—Addresses of President Coolidge at the 150th Anniversary of the battles of Trenton and Princeton, made at Trenton, New Jersey.

January 12, 1927—Address of President Coolidge when he and Mrs. Coolidge received members of the Republican National Committee and women vice chairmen of Republican State Committees at the White House.

Important Messages to Congress

January 7—Message of the President to the Congress of the United States relating to the Preparatory Commission for the Disarmament Conference.

January 10—Message of the President to the Congress of the United States relating to Nicaraguan affairs.

Important Executive Civilian Nominations

December 9—Hywel Davies to be member of Board of Mediation, confirmed by Senate December 22, 1926.

December 16—Geo. R. Farnum to be Assistant Attorney General, confirmed by Senate December 21, 1926.

December 17—Carl T. Schuneman to be Assistant Secretary of the Treasury, confirmed by Senate, December 21, 1926.

December 20—Cyrus E. Woods to be member of Interstate Commerce Commission, reported back unfavorably by Senate interstate commerce committee, January 12, 1926.

January 14—Benjamin F. Adams and John W. Childress to be members of Public Utilities Commission of the District of Columbia.

January 14—Blane Mallan to be people's counsel of Public Utilities Commission of the District of Columbia.

Con—continued from page 24

EDITORIAL, WASHINGTON HERALD

barren purpose of "stabilizing the exchanges," which never are stabilized but grow steadily less stable. Besides, many times three hundred millions have been remitted by the United States Government to these foreign nations which owe the American taxpayers the huge debts contracted in the late war.

If hundreds of millions of American capital are handed out for unproductive purposes in distant lands, is it in order to begrudge an appropriation of three hundred million to an All-American enterprise for all America's welfare? Is it in order on a plea of cheapness to turn over great American enterprises to America's chief commercial rival overseas and that rival's chief dependency? If the American people really had got to the point where they were ready to subsidize their commercial rivals and competitors because this was "cheaper" than to finance their own enterprises, then such a proposition might pass muster.—*Extracts, March 22, 1926.*

The Supreme Court of the United States

EDITOR'S NOTE: This department of THE CONGRESSIONAL DIGEST began with Vol. 3, No. 1, and is devoted to a brief non-technical review of current decisions of the U. S. Supreme Court which are of general public interest. The June, 1923, number of THE CONGRESSIONAL DIGEST printed the provisions of the Constitution of the United States upon which the Judicial Branch of our Federal Government rests. This number contained an account of the U. S. Supreme Court and the system of inferior federal courts, the relation of the Judicial Branch to the Legislative and Executive Branches of the Federal Government, and the relation between the Federal Judiciary and the States. The U. S. Supreme Court, its present procedure and work, were also described.

On January 3rd, the Court convened after the recess of three weeks. The Court adjourned January 24th.

The October, 1926 Term—October, 1926-June, 1927

The Senate and the House Have Power to Compel an Individual to Testify

The Case—No. 28, John J. McGrain, Deputy Sergeant at Arms of the United States Senate, Appellant, vs. Mally S. Daugherty. Appeal from the District Court of the United States for the Southern District of Ohio.

The Decision—The decree of the lower court was reversed. The Court ruled that the Senate or the House of Representatives, both being on the same plane in this regard—has power to compel an individual to appear before it or one of its committees and give testimony needed to enable it efficiently to exercise a legislative function.

The Opinion—The opinion of the Court was delivered by Mr. Justice Van Devanter on January 17, 1927, and is in part as follows:

This is an appeal from the final order in a proceeding in habeas corpus discharging a recalcitrant witness held in custody under process of attachment issued from the United States Senate in the course of an investigation which it was making of the administration of the Department of Justice.

The Department of Justice has charge, among other things, of the initiation and prosecution of all suits, civil and criminal, which may be brought in the right and name of the United States, and also of the assertion and protection of its interests when it or its officers are sued by others.

In the course of the investigation the committee caused to be duly served on Mally S. Daugherty—who was a brother of Harry M. Daugherty and president of the Midland National Bank of Washington Court House, Ohio,—a subpoena commanding him to appear before the committee for the purpose of giving testimony bearing on the subject under investigation. The witness failed to appear.

A warrant was then issued in furtherance of the effort to obtain the personal testimony of the witness; whereupon the witness petitioned the federal district court in Cincinnati for a writ of habeas corpus. The writ was granted. The court held the attachment and detention unlawful, the decision being put on the ground that the Senate in directing the investigation and in ordering the attachment exceeded its powers under the Constitution, 299 Fed. 620.

The principal questions involved in this case are of unusual importance and delicacy. They are (a) whether the Senate—or the House of Representatives, both being on the same plane in this regard—has power, through its own process, to compel a private individual to appear before it or one of its committees and give testimony needed to enable it efficiently to exercise a legislative function belonging to it under the Constitution, and (b) whether it sufficiently appears that the process was being employed in this instance to obtain testimony for that purpose.

The Senate adopted in 1889 and has retained ever since a standing order declaring that the Sergeant at Arms may appoint deputies "to serve process or perform other duties" in his stead, that they shall be "officers of the Senate." * * * Congress has sanctioned the practice under it by recognizing the deputies—as officers of the Senate. Thus there was ample provision of law for a deputy.

The witness contends that the warrant was void because the report of the committee on which it was based was unsworn. In legislative practice committee reports are regarded as made under the sanction of the oath of office of its members; and where the matters reported are within the committee's knowledge and constitute probable cause for an attachment such reports are acted on and given effect without requiring that they be supported by further oath or affirmation.

The Constitution invests Congress with "all legislative powers" granted to the United States, and with power "to make all laws which shall be necessary and proper" for carrying into execution these powers and "all other powers" vested by the Constitution in the United States or in any officer thereof. But there is no provision expressly investing either house with power to make investigations and exact testimony to the end that it may exercise its legislative function advisedly and effectively. So the question arises whether this power is so far incidental to the legislative function as to be implied.

In actual legislative practice power to secure needed information by such means has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both houses of Congress and in most of the state legislatures.

The state courts quite generally have held that the power to legislate carries with it by necessary implication ample authority to obtain information needed in the rightful exercise of that power, and to employ compulsory process for the purpose.

We have referred to the practice of the two houses of Congress. These enactments are now embodied in Sections 101-104 and 859 of Revised Statutes. They show very plainly that Congress intended thereby (a) to recognize the power of either house to institute inquiries and exact evidence touching subjects within its jurisdiction and on which it was disposed to act; (b) to recognize that such inquiries may be conducted through committees; (c) to subject defaulting and contumacious witnesses to indictment and punishment in the courts, and thereby to enable either house to exert the power of inquiry "more effectually"; and (d) to open the way for obtaining evidence in such an inquiry, which otherwise could not be

Continued on page 34

Recent Government Publications of General Interest

The following publications issued by various departments of the Government may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C.

Agriculture

"Factors Affecting Price of Hogs"; by G. C. Haas and Mordecai Ezekiel. (Agriculture Bulletin 1440.) Price, 15 cents. Ways in which farmers adjust operations to hog prices, previous studies of hog prices, description of market where the price is made, etc.

"Farmer's Standard of Living, a Socio-Economic Study of 2,886 White Farm Families of Selected Localities in 11 States"; by E. L. Kirkpatrick. (Agriculture Bulletin 1466.) Price, 10 cents. Definition of standard of living, explanation of study, values of goods used, etc.

"Progress of Reindeer Grazing Investigations in Alaska"; by Lawrence J. Palmer. (Agriculture Bulletin 1423.) Price, 15 cents. Growth of reindeer industry, herd owners, reindeer as grazing animals, breeds and types of reindeer, sled reindeer, reindeer meat, etc.

"Trees for Roadside Planting"; by Furman Lloyd Mulford. (Farmers' Bulletin 1482.) Price, 10 cents. Kind of trees suitable for roadside, regions of adaptability, trees for special purposes and descriptions of roadside trees.

Asbestos

"Asbestos Sources and Trade." (Trade Information Bulletin 442.) Price, 10 cents. Foreword, deposits and production of asbestos, mining methods employed, grading of output, merger of Canadian producers, production, manufacture, exports, and imports of asbestos, etc.

Banking

"Instructions of the Comptroller of the Currency relative to the Organization and Powers of National Banks, together with the Regulations of the Federal Reserve Board Relating to Member Banks, 1926." Price, 60 cents. Organization of national banks, conversion of State banks into national banks, bonds and circulation, duties and liabilities of directors, etc.

Census Statistics

"Financial Statistics of Cities Having a Population of over 30,000, 1924." (Census Bureau.) Price, 80 cents. Scope of report, purpose of report, increase in number and population of cities having over 30,000 inhabitants, cities having population of over 30,000 in 1924, and tables.

Fine Arts

"National Commission of Fine Arts, tenth Report July 1, 1921-December 31, 1925." Price, \$1.15. Submission of tenth report of commission of fine arts to President of United States, plan of the Federal city, public buildings and grounds, parks and parkways, Arlington memorial bridge, etc.

Fisheries

"Fishery Industries of United States, 1925"; by Oscar E. Sette. (Appendix 5, to Report of U. S. Commissioner of Fisheries for 1926.) Price, 20 cents. Review of conditions in fishery industries, 1925, summary of operations, publications of the division, canned fishery products and by-products, etc.

Home Economics

"Convenient Kitchens"; by Greta Gray. (Farmers' Bulletin 1513.) Price, 5 cents. How to read the plans, size and shape of the kitchen, relation of the kitchen to the rest of the house, etc.

Interstate Commerce Commission

"Interstate Commerce Commission Reports, Vol. 103, Decisions of the Interstate Commerce Commission of the United States (Valuation Reports), July-November, 1925." Price, \$2.25. Members of commission, table of cases cited, opinions of the commission, index digest.

"Interstate Commerce Commission Reports, Vol. 104, Decisions of the Interstate Commission of the United States, October-December, 1925." Price, \$2.25. Members of the commission, table of cases reported, table of cases cited, opinions of the commission, table of commodities, etc.

Labor

"Changing Jobs, a Study Made by Students in Economics Course at Bryn Mawr Summer School under the Direction of Prof. Amy Hewes." (Women's Bureau Bulletin 54.) Price, 5 cents. Letter of transmittal, the group studied, average duration of jobs held, jobs held more than a month, jobs of

less than a month's duration, jobs of not more than a week's duration, etc.

"Lost Time and Labor Turnover in Cotton Mills, Study of Cause and Extent." (Women's Bureau Bulletin 52.) Price, 35 cents. Introduction, labor force, lost time, causes of lost time, mill causes, etc.

Lumber

"Lumber, Second Revision, July 1, 1926." (Simplified Practice Recommendation 16.) Price, 15 cents. Lumber classifications, nomenclature of commercial softwoods, yard lumber, structural material, etc.

Market Research

"Market Research Agencies, Guide to Publications and Activities Relating to Domestic Marketing." (Domestic Commerce Series 6.) Price, 15 cents. Foreword, Department of Agriculture, Department of Commerce, Congress, Federal Reserve Board, Federal Trade Commission, Department of Labor, etc.

Oil

"Federal Oil Conservation Board, Public Hearing May 27, 1926." Price, 10 cents. Personnel Federal Oil Conservation Board and technical committee, official program of public hearing, opening remarks by Hon Hubert Work, Secretary of Interior, address by Charles Evans Hughes, counsel for American Petroleum Institute, etc.

"Manual of Testing Methods for Oil Shale and Shale Oil;" by Lewis C. Kerrick. (Mines Bulletin 249.) Price, 20 cents. Introduction, acknowledgments, oil-shale testing, shale-oil testing, analysis of shale oil, determination of ammonium sulphate, with summary and conclusions, etc.

Paper

"Measurement of the Degree of Sizing of Paper;" by F. T. Carson. (Standards Technologic Papers 326.) Price, 15 cents. Introduction, available tests of degree of sizing, types of degree of sizing, criticism of methods for testing degree of internal sizing, etc.

Plumbing

"United States Government Master Specification 448, Plumbing Fixtures, For Land Use." (Standards Bureau, Circular 310.) Price, 15 cents. General specifications, types, grades, and classes, material and workmanship, general requirements, detail requirements, etc.

Taxation

"Report of United States Board of Tax Appeals, June 1, 1925, to November 11, 1925, Volume 2." Price, \$2.00. Tables of appeals reported, table of cases cited, table of statutes cited, table of regulations cited, and table of treasury decisions cited.

U. S. Army Medical Department

"The Medical Department of United States Army in World War, Vol. 14, Medical Aspects of Gas Warfare;" by Maj. Gen. W. W. Ireland, and others. Price, \$3.00. Organization and administration of gas defense, clinical features, experimental researches, etc.

U. S. Court of Claims

"Cases Decided in Court of Claims of United States, July 1, 1925, to March 31, 1926, with Abstract of Decisions of Supreme Court in Appealed Cases, Reported by Ewart W. Hobbs, Volume 61." Price, \$2.25. Judges and officers of the court, table of cases, table of cases cited, table of statutes cited, opinions of the court, etc.

U. S. Navy Directory

"Navy Directory, Officers of United States Navy and Marine Corps, also Including Officers of the U. S. Naval Reserve Force (Active), Marine Corps Reserve (Active) and Foreign Officers serving with the Navy, October 1, 1926." Price, 25 cents. Alphabetical list and addresses of officers of the Navy, Naval reserve force, Marine Corps, and Marine Corps Reserve on active duty, changes in officers since last issue, schedules of employment, ships, etc.

Women

"Status of Women in Government Service in 1925." (Women's Bureau Bulletin 53.) Price, 15 cents. Letter of transmittal, introduction, scope and method of study, number of women employed, administrative work, etc.

The Chicago Water Diversion Problem

Continued from page 9

power." * * * "It would seem a strong thing to say that the United States is subject to narrower restrictions in matters of national and international concern."

* * * "The decree for an injunction prayed, is affirmed."

The effect of this decision is to say that the laws of the State of Illinois to the contrary notwithstanding, the Sanitary District of Chicago has no right to abstract from the waters of Lake Michigan any water in excess of that allowed by the permit of the Secretary of War.

A further suit against the State of Illinois and the Sanitary District of Chicago was then filed in Oct., 1925, in the Supreme Court of the United States by the States of Wisconsin, Ohio, Pennsylvania and Minnesota; the States of Missouri, Tennessee, Kentucky and Louisiana, intervening as defendants.

The main contention of the States joining in the suit against the State of Illinois and the Sanitary District of Chicago is that the abstraction of water in excess of the amount determined upon as necessary for navigation is injurious to the navigability of the Great Lakes and is therefore a direct injury to the people and to the interests of the sovereign States entering suit.

At the same time the State of Michigan entered a separate suit in the Supreme Court of the United States against the State of Illinois and the Sanitary District of Chicago, alleging damages through the abstraction of water by means of the Sanitary District canal and resting her case on the ground that:—

"Neither the Congress of the United States nor any Federal agency authority nor the legislature of the State of Illinois or any agency of that or any other States has the authority to abstract from the Great Lakes basin any water to be diverted into any other natural or artificial watershed, whether for the purpose of operating, maintaining and flushing an open sewer maintained in violation of modern standards of sanitation, or even for the purpose of navigation; the power of the Congress of the United States is expressly restricted to the control of the waters of the Great Lakes as a navigable waterway under the powers vested in it by the commerce clause of

the Constitution of the United States which power is that of regulation, not of destruction."

"There is no authority in the government of the United States or of any of the states or of any of their agencies authorizing the changing of the natural course of the Chicago River and its unlawful alteration, reversal and change by the defendants is against the rights of these complainants as well as against the rights of all parties and interests in the Great Lakes water system."

New York then entered a separate suit on the same grounds entertained by Michigan, sustaining the position of the latter State.

Hearings are at present—January, 1927—being held before former Chief Justice Charles Evans Hughes, Master in Chancery, all the suits mentioned as pending being joined together for the purpose of taking testimony. The decision of the Supreme Court is asked upon two fundamental questions.

The States of Wisconsin, Minnesota, Ohio and Pennsylvania, ask the Supreme Court to determine to what extent the abstraction of water by reason of the construction of the Chicago Drainage Canal may have damaged the shipping, the harbors and other business interests of the Great Lakes and to provide a basis for legal compensation. The plea of Michigan and that of New York contends in substance that the Sanitary District of Chicago has no right whatsoever to take water from the Great Lakes watershed, and that the United States acting through the War Department has no right whatsoever to grant such an abstraction.

The decision of the Supreme Court on these two points will fix the legal status of the abstraction of water from the Great Lakes System by the Sanitary District of Chicago.

There remains in the background the right of Canada as a foreign power and joint owner with the United States in the shore-line and waters of the Great Lakes and St. Lawrence to interpose a contention that her treaty rights have been violated and that the interests of her subjects are suffering thereby.

The Supreme Court of the United States

Continued from page 32

obtained, by exempting witnesses required to give evidence therein from criminal and penal prosecutions in respect of matters disclosed by their evidence.

Decisions of this Court are cited and more or less relied on. While these cases are not decisive of the question we are considering, they definitely settle two propositions which we recognize as entirely sound and having a bearing on its solution: One, that the two houses of Congress, in their separate relations, possess not only such powers as are expressly granted to them by the Constitution, but such auxiliary powers as are necessary and appropriate to make the express powers effective; and, the other, that neither house is invested with "general" power to inquire into private affairs and compel disclosures, but only with such limited power of inquiry as is shown to exist when the rule of constitutional interpretation stated is rightly applied. A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legis-

lative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it.

The contention is made on behalf of the witness that this power of inquiry, if sustained, may be abusively and oppressively exerted. If this be so, it affords no ground for denying the power. The same contention might be directed against the power to legislate, and of course would be unavailing. A witness rightfully may refuse to answer where the bounds of the power are exceeded or the questions are not pertinent to the matter under inquiry.

We are of opinion that the lower court's ruling was wrong, and that it sufficiently appears, when the proceedings are rightly interpreted, that the object of the investigation and of the effort to secure the witness's testimony was to obtain information for legislative purposes. The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating; and we think the subject-matter was such that the pre-

The Supreme Court of the United States—continued from page 34

sumption should be indulged that this was the real object. An express avowal of the object would have been better; but in view of the particular subject-matter was not indispensable.

We conclude that the investigation was ordered for a legitimate object; that the witness wrongfully refused to

appear and testify before the committee and was lawfully attached; that the Senate is entitled to have him give testimony pertinent to the inquiry, either at its bar or before the committee; and that the district court erred in discharging him from custody under the attachment.—*Extracts.*

The Joint Board of Engineers—continued from page 15

sion. It is an exhaustive study of the problem of the St. Lawrence project in five parts and several appendices.

The report answers in detail the questions which the Board was instructed to investigate. These answers are in part as follows:

1. The scheme as presented in the Report of 1921 is in its broad lines practicable, but should in the opinion of this board be modified to provide the best present advantage, at this time and ultimately, for the development of the capacities and possibilities of the waterway.

2. The plans presented in the Report of 1921 are altered in their broader features as follows: In the International Rapids Section (Fourth Division of the Report of 1921) the plans now presented provide for the development of the entire power possibilities of the section, without subsequent alterations in the works. Two alternative schemes for accomplishing this result are presented, one for a two-stage development, the other for a single-stage development.

3. The estimates of the works proposed by this Board, with hydroelectric machinery completely installed, exclusive of interest during construction, are as follows:

(a) If a single stage development be adopted, the cost would total \$394,000,000 for 2,730,300 horsepower capacity.

(b) If a two-stage development be adopted, the cost would total \$423,600,000 for 2,619,000 horsepower capacity.

4. The irresponsible operation of the power works proposed by the Board, or indeed of any power works, however designed, that develop fully the power resources of any section of the river, would affect injuriously the water levels in the St. Lawrence River at and below Montreal; but it is feasible to operate these works under Government supervision in such manner that they will neither lower the summer levels in the lower river nor raise the winter and spring levels. With such control the improvements proposed will have no injurious effect whatever on the water levels of the St. Lawrence at and below Montreal.

5. The diversion by the Chicago Sanitary District of 8,500 cubic feet of water per second from the lake basin through the Chicago Drainage Canal, authorized by license by the United States, lowers the water levels on the Great Lakes and the St. Lawrence River.*

6. The water levels of Lakes Michigan, Huron, and

Erie can be restored most advantageously by compensating works in the St. Clair and Niagara Rivers, which should, however, be so designed as to offset all existing diversions and outlet enlargements, as well as the diversions authorized by license. The total cost of these works is estimated at \$3,400,000. The effect of the Chicago Diversion on the levels of Lake Ontario and of the St. Lawrence River above Montreal will be removed by the works provided for the improvement of this part of the St. Lawrence. The effect of the Chicago Diversions on the levels of the St. Lawrence River at and below Montreal can be restored by dredging and accessory works.

7. The Board finds that after the St. Lawrence River has been fully developed for power production, no works can be constructed which would recover on the St. Lawrence the power lost by the diversion of water from the watershed.

8. The Board regards it as essential that an international control board be created with full power to regulate the use of water at the power plants in the International Section in order that such use may be prevented from creating conditions harmful to navigation in any part of the St. Lawrence, and in order that the operation of the various power plants be conducted with full regard to the use of water at other power plants on the river. All locks and other navigation structures will necessarily lie in the territory of one country or the other, and can be most advantageously maintained and operated by the usual government agencies of the two countries.

9. Readjustments in the international boundary are necessary only in the International Rapids Section and depend upon the plan adopted for the improvement of that section.

10. The cost of improving the main navigation channels between and through the Lakes, so as to provide a depth of 25 feet, including all compensating works constructed in furtherance of the work, is estimated at \$44,700,000, not including the cost of the new Welland Ship Canal.

11. It is estimated that the waterway can be opened to navigation in from seven to eight years from the time that active work has been begun. All works should be so prosecuted as to insure the completion of navigation works at the same time.—*Extracts.*

*For specific details pertaining to Chicago diversion see p. 97 of the report. See also article on Chicago Water Diversion Question in this issue.

Sources from Which Material in This Number is Taken

Articles for which no source is given have been specially prepared for this number of *The Congressional Digest*

2—The Congressional Record, March 23, 1926.

3—The Congressional Record, March 24, 1926.

4—69th Congress, 1st session; Hearings before Committee on Rivers and Harbors, April 3, 1926.

5—The Congressional Record, March 26, 1926.

7—The Congressional Record, March 23, 1926.

8—69th Congress, 1st session; H. Doc. 288.

9—Speech before Columbia River Basin League, August 21, 1926.

10—The Congressional Record, March 24, 1926.

11—Article in Washington Star, January 20, 1927.

12—Annual Report of the New York State Barge Canal, 1926.

The Congressional Digest

Now in its Sixth Year

Coming in the February Number

The Question of

Railroad Consolidation

Explained and Discussed Pro and Con

Send Orders to

The Congressional Digest

Munsey Building

Washington, D. C.